

OECD Public Governance Reviews

Civic Space Review of Portugal

TOWARDS PEOPLE-CENTRED, RIGHTS-BASED PUBLIC
SERVICES



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PUBLIC SERVICES

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Foreword

Delivering public services that are centred on citizens' needs and expectations is vital for strengthening trust in public institutions, which is a key priority for OECD Members. A vibrant civic space provides the foundation for a people-centred approach to the design and delivery of public services. Civic space is understood by the OECD as the set of legal, policy, institutional and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise and participate in public life. In other words, it is about creating the necessary environment within which people can exercise their democratic rights and express their voices. At the same time, the OECD recognises that, in democratic societies, a diverse range of citizens and other stakeholders should be involved in rethinking public services. Public sector accountability is based on the relationship between citizens (as rights-holders) and public institutions (as duty-bearers), where performance is measured by citizen satisfaction with services. Designing and delivering services that are responsive, inclusive and accessible for all is fundamental to empowering 21st century societies and effectively meeting their needs, while strengthening democratic governance.

Over the past decade, the government of Portugal has embarked on an ambitious reform process to place citizens at the heart of service design and delivery reforms. It has been championing pioneering efforts that recognise human rights and civic space as central to achieving people-centred reforms. These ambitious priorities are rooted in a strong service delivery and digital culture in Portugal, coupled with the Guiding Principles for a Human Rights Based Approach on Public Services, developed by the Portuguese Administrative Modernization Agency in 2021.

Within this context, Portugal asked the OECD to undertake this *Review of Civic Space in Portugal: Towards people-centred, rights-based public services*, to assess and advise on how protected civic space can contribute to more inclusive and responsive public services for all members of society. The Review provides actionable recommendations on how the government can promote inclusion, empowerment and equity in the way services are planned, designed, delivered and evaluated, while furthering digital transformation. The Review combines the OECD's analytical frameworks on civic space and digital government maturity, which were tailored to meet Portugal's particular needs. For the purposes of this report, Portugal selected two critical government services to be assessed in detail (the Digital Mobile Key and the Family Benefit for Children and Young People), and, based on this assessment, asked the OECD to make recommendations to improve the design and delivery of public services more broadly.

The Review offers a perspective on evaluating and reforming public services that will be widely applicable across the public sector in Portugal, as well as other OECD countries seeking to make their services more responsive. The OECD stands ready to further support Portugal and other Members and Partners in their endeavour towards delivering better public services for all.

The Review was approved by the OECD Public Governance Committee on 26 October 2023 and prepared for publication by the Secretariat.

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Abbreviations and acronyms

ACM	High Commission for Migration
AMA	Portuguese Administrative Modernization Agency
ATI	Access to Information
CADA	Commission for Access to Administrative Documents
CICDR	Commission for Equality and against Racial Discrimination
CIG	Commission for Citizenship and Gender Equality
CLAIM	Network of Local Support Centres for the Integration of Migrants
CMD	Digital Mobile Key (Chave Móvel Digital)
CNAI	National Support Centre for the Integration of Migrants
CNPD	Portuguese Data Protection Authority
CONCIG	Consultative Council for the Integration of Roma Communities
CPR	Portuguese Council for Refugees
CSO	Civil Society Organisation
CTIC	Council for Information and Communication Technologies in Public Administration
DGI	OECD's Digital Government Index
EEA	European Economic Area
ENICC	National Strategy for the Integration of Roma Communities
ERC	Portuguese Media Regulatory Authority
EU	European Union
FRA	EU Fundamental Rights Agency
GDP	Gross Domestic Product
GDPR	General Data Protection Regulation
iAP	Interoperability Platform for the Public Administration
IBP	International Budget Partnership
ILGA	Lesbian, Gay, Bisexual, Trans and Intersex Intervention
LabX	Center for Public Sector Innovation
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersexual
NFCS	National Foundation of Civil Society
NGDO	Non-Government Development Organisations
NGO	Non-Governmental Organisation
OGD	Open Government Data
OGP	Open Government Partnership
OURdata	Open, Useful and Reusable Data Index
PIICIE	National Program for the Promotion of School Success
PIN	Personal Identification Number
PlanAPP	Competence Centre for Planning, Policy and Foresight in Public Administration
PNCRD	National Plan to Combat Racism and Discrimination 2021-2025 – Portugal Against Racism
RRP	Resilience and Recovery Plan
RRP	Recovery and Resilience Programme
RSF	Reporters Without Borders
TicAPP	Public Administration Digital Competencies Centre
SSI	Internal Security Report from the Homeland Security System
SSI	Social Security Institute
V-Dem	Varieties of Democracy Institute

Executive summary

Over the past decade, the Government of Portugal has demonstrated a commitment to placing citizens at the heart of its strategy to improve the design and delivery of public services. In 2021, it released the Guiding Principles for a Human Rights Based Approach on Public Services (hereafter the Guiding Principles), emphasising human rights and participatory approaches for people-centred public service reforms. With 19 ministries and affiliated entities delivering over 1 768 services across sectors and channels, Portugal has a robust public service culture. Since 2018, the government has been decentralising service delivery across 18 regions and 308 municipalities, enhancing local access and scalability.

Creating the conditions for people-centred services

Portugal has established a strong enabling environment for people-centred and rights-based services. The Constitution and national legislation protect core civic freedoms, including freedoms of expression, association and peaceful assembly. Policies support the inclusion of vulnerable and marginalised groups in society, although challenges remain in addressing discrimination and racism. For example, migrants and refugees, the Portuguese Roma population, and Portuguese of African origin face barriers that hinder equal access to services. While oversight institutions and redress mechanisms are comprehensive, they face insufficient resources and low compliance with their recommendations by public institutions.

While progress has been made in making information accessible to stakeholders and citizens, challenges persist. Despite a comprehensive legal framework governing access to information, both citizens and public officials lack awareness of this right, and implementation and enforcement of legal and institutional frameworks are weak. Freedom of the press is guaranteed by law and generally respected. Yet, defamation laws and cybersecurity attacks on media outlets pose threats to press freedom and access to information. Digital transformation initiatives are a government priority. However, despite a comprehensive legal framework, personal data protection and digital security measures are not sufficient, and implementation of the General Data Protection Regulation (GDPR) is presenting challenges for public authorities. While digital inclusion has been high on the political agenda, digital divides remain and inhibit access to online public services for certain groups, such as the elderly.

Legal and institutional frameworks against discrimination could be strengthened by making racist motives and hate an aggravated circumstance for all crimes, simplifying access to redress mechanisms, and increasing public institutions' capacity to counter discrimination, particularly at the local level. Digital inclusion efforts could address barriers to accessing public services related to demographics, income, geography and accessibility. Moreover, improving algorithmic transparency and data governance to ensure data protection, and addressing biases in algorithms, would help unlock the full potential of data-driven technology in the delivery of public services.

Strengthening stakeholder and citizen participation

Historically, civil society has played an important role in public service delivery in Portugal. While favourable conditions have allowed for a thriving and diverse sector, some challenges impede its ability to operate and perform its crucial societal role. Access to funding is a major obstacle, and the administrative procedures involved in establishing a civil society organisation (CSO) and attaining public utility status are complex and burdensome.

Portugal has adopted legislation to enable CSO participation in different aspects of public life. While the various policy documents encourage participation in their specific domains, efforts appear to be disjointed and the overall national participation agenda lacks whole-of-government coordination and steering. There are few opportunities for stakeholders and citizens to contribute to the design, implementation and evaluation of public services beyond what is legally mandated (providing suggestions, feedback and complaints). In addition, public communication on participation processes has limited reach and participants could be better informed about how their input is used. The inclusion of citizens and stakeholders is not monitored, and most public institutions lack the resources to implement participation processes more broadly. Furthermore, systematic consultations on service accessibility for different groups are lacking.

To strengthen support for the essential contribution of citizens and stakeholders, Portugal could develop an overarching strategy or policy framework. Addressing funding gaps and reducing administrative burdens that hinder CSOs' ability to operate and provide services could be prioritised. Participation could be strengthened through better communication and feedback channels, with a focus on inclusion, targeted outreach, and representation of underrepresented citizens and stakeholders.

Towards more inclusive, accessible and people-centred public service design and delivery

Portugal has implemented initiatives for proactive and data-driven public services, including the Simplex programme, Citizen Spot and Citizen Shop networks, and ongoing development of ePortugal.gov. The Guiding Principles and Mosaico Common Model for the Design and Development of Digital Services recognise the need to shift to a people-centred and 'omni-channel' service design culture. Emphasising co-ordination, user research and feedback, they aim for a consistent user experience addressing problems with seamless, end-to-end services. When assessed against the Guiding Principles, the two digital services studied - the Digital Mobile Key, Portugal's digital identity solution that allows citizens to access digital services and electronically sign documents, and the Family Benefit for children and young people, a monthly allowance to help families support and educate their children - successfully meet two principles, partially meet five and fall short on two. These findings provide encouragement but also indicate areas needing attention such as promoting citizen participation and designing for vulnerable communities. As part of its national Recovery and Resilience Plan (2021), Portugal has undertaken to transform the 25 most relevant services for citizens and economic actors, which presents an opportunity to integrate the Guiding Principles from the outset and establish a new baseline practice for public servants.

Portugal's use of its protected civic space to harness user input is crucial for an inclusive, accessible and people-centred approach. Portugal should ensure that public servants familiarise themselves with the Guiding Principles, so they become entrenched. Sustaining strong political leadership, developing a shared narrative based on the Guiding Principles and Common Model and equipping multi-disciplinary teams with enabling tools and resources are vital for promoting and incentivising change. Setting ambitious performance targets, facilitating monitoring, and encouraging watchdog initiatives can also help improve responsiveness to feedback and the performance of individual services. Finally, sustaining these efforts will depend on Portugal's ability to demonstrate that it is delivering better services with clear social, economic and political benefits for all.

1 Introduction to civic space and public service reforms in Portugal

This chapter begins by describing the main objectives of this Civic Space Review of Portugal. It provides an overview of the government's ambitious agenda to reform public services and explores the opportunities brought about by the Guiding Principles for a Human Rights Based Approach on Public Services, adopted in 2021, as the first methodology of its kind to support this transformation. The chapter introduces the general civic space context in Portugal in addition to key technological, demographic and socio-political challenges to ongoing public service reform efforts.

1.1. The Civic Space Review of Portugal

As a member of the OECD Working Party on Open Government, in 2021 the Portuguese Administrative Modernization Agency (Agência para a Modernização Administrativa, AMA), now under the Secretary of State for Digitalisation and Administrative Modernisation (formerly under the Ministry for Modernization of the State and Public Administration), requested the OECD Secretariat to undertake a pilot country review. This aimed at receiving support on further strengthening Portugal's vision to transform public services by using civic space and in particular furthering the application of its new Guiding Principles for a Human Rights Based Approach on Public Services (hereafter the "Guiding Principles") (Government of Portugal, 2022^[1]).¹

The overall aim of this Review is thus to assess how protected civic space – defined by the OECD as the set of legal, policy, institutional and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organise and participate in public life – can contribute to more inclusive and responsive public service design and delivery in Portugal, as a right for all members of society. In so doing, it provides actionable recommendations on how the government can foster an enabling environment that promotes inclusion, empowerment and equity in the way services are planned, designed, delivered and evaluated and that effectively uses civic space to engage with the Portuguese population to understand and respond to its needs.

This Review was conducted between October 2021 and May 2023 and is the second undertaken in an OECD Member.² It draws on the OECD's Analytical framework on civic space in the area of open government (OECD, 2020^[2]), which was tailored to Portugal's particular needs and a request to focus on civic space for public service reforms. Portugal selected two services to be assessed in detail as part of this Review, on which it invited the OECD to make recommendations to improve the design and delivery of services more broadly. These two services are: 1) the Digital Mobile Key (Chave Móvel Digital, CMD), Portugal's digital identity solution that allows citizens to access digital services and electronically sign documents; and 2) the Family Benefit for Children and Young People (Abono de Família), a monthly allowance to help families support and educate their children (see Section 5.4.1 in Chapter 5 for a detailed review of both services).³

The Review of Portugal was undertaken by the OECD's Public Governance Directorate, by a joint team from the Open Government, Civic Space and Public Communication Unit, under the leadership of the OECD Observatory of Civic Space, in partnership with the Digital Government and Data Unit. It presents a new and widely applicable lens through which to assess public service reforms that integrates the OECD's work in the areas of civic space protection and promotion, digital government maturity and public service design and delivery fit for the digital era.

The intention behind this approach, both for Portugal and the OECD, is that learning will be widely applicable across the public sector in Portugal as well as in other OECD Members seeking to make their services more responsive to the public's needs as part of open government, digital or other national agendas. Throughout the Review, "citizen" is used in the OECD's civic space work in the sense of an inhabitant of a particular place, not in the sense of a legally recognised national.

Box 1.1. The added value of the OECD's civic space lens for public service design and delivery

This Review shines a unique light on ongoing public service reforms in Portugal. Its focus is wide-ranging, offering an in-depth analysis of the numerous factors that influence access to services and positive outcomes related to engaging citizens and stakeholders – including special interest groups – in service design and delivery and related policy and decision making (see Section 2.2 in Chapter 2 for a more detailed discussion on the intersection between civic space and public service design and delivery).

The civic space lens that is central to this Review goes beyond other OECD analyses of public services in four concrete ways:

1. It provides a rights-based perspective. The analysis in this Review is grounded in a rights-based approach to public service design and delivery. This approach is based on internationally agreed-upon laws and guidance on fundamental rights, examining how citizens and stakeholders can exercise these rights to engage in public service reform efforts, including holding governments to account for related spending and decision making (Chapter 3). Core to this approach is an understanding of the state as a duty bearer and individual citizens as rights holders. As such, it yields concrete recommendations on how the government of Portugal can seek to more effectively implement national commitments to civic freedoms in support of public service reforms and empower citizens to use civic space and exercise their rights in the process.

2. It focuses on equality and non-discrimination. The Review recognises discrimination and related exclusion as factors that can influence people's willingness and ability to engage with public institutions and officials, including in public services. As such, it examines issues such as inclusion and equal access to services by different groups, in addition to *de facto* and *de jure* discrimination, hate speech, hate crimes, and other prevalent forms of exclusion (Section 3.6 in Chapter 3). It explores some of the main obstacles for different groups to access public services in terms of geographic availability, access to information, relevance to service needs, and the quality of existing mechanisms to collect citizen feedback and complaints, in line with the OECD Serving Citizens Framework (Table 2.2), which addresses the main determinants of satisfaction with services (Baredes, 2022^[3]). This overarching focus is based on people's right to be treated equally (Welby, 2019^[4]) when engaging with public institutions and accessing public services and yields a series of recommendations on making services more accessible to all members of society.

3. It analyses the enabling environment for civil society organisations (CSOs). The Review places a particular emphasis on unpacking the enabling environment in which civil society operates in Portugal, recognising the positive role the sector can play in partnering with public institutions at local and national levels throughout the service delivery cycle (Chapter 4). As such, it tackles a range of issues, including legal frameworks governing different kinds of non-governmental actors, access to public funding for CSOs, opportunities for engagement, levels of bureaucracy, and other challenges in the operating environment, all of which can influence the extent to which CSOs are able and willing to engage with government and which are also emphasised in the OECD's three-pillar conceptual Framework for Service Design and Delivery (OECD, 2020^[5]) (Section 2.2.2 in Chapter 2). This focus yields concrete recommendations on creating and strengthening an enabling environment for CSOs in which they can prosper and fully contribute to society, including on the design and delivery of key services.

4. It places citizen and stakeholder participation front and centre in service reforms. The Review also places a strong focus on how governments engage with CSOs and citizens in reform efforts, examining the relevant legal and policy frameworks, institutions, methods and fora, and the degree to which these are institutionalised or ad hoc (Chapter 4), especially after the COVID-19 pandemic, which has boosted public sector competence and transformed public services for the benefit of citizens and businesses (OECD, 2021^[6]). Governments' ability to be responsive to the needs of different population groups is an important determinant of citizens' satisfaction with public services (Baredes, 2022^[3]). The Review thus analyses mechanisms and tools to collect user feedback and encourage citizens' engagement in the design and delivery of services. The analysis yields concrete recommendations on making engagement more effective, open and transparent, with a view to improving outcomes.

Sources: Baredes (2022^[3]), "Serving citizens: Measuring the performance of services for a better user experience", <https://doi.org/10.1787/65223af7-en>; Welby (2019^[4]), "The Impact of digital government on citizen well-being", <https://doi.org/10.1787/24bac82f-en>; OECD (2020^[5]), *Digital Government in Chile – Improving Public Service Design and Delivery*, <https://doi.org/10.1787/b94582e8-en>; OECD (2021^[6]), *G20 Compendium on the Use of Digital Tools for Public Service Continuity*, <https://doi.org/10.1787/6f800fd5-en>.

1.2. Portugal's strategic vision for public service design and delivery

Over the past decade, the government of Portugal has embarked on an ambitious process to place citizens at the heart of service design and delivery. It is doing so by championing pioneering efforts that recognise human rights and civic space as central to advancing people-centred reforms (Government of Portugal, 2022^[7]). This commitment has remained firm despite a change in government in 2022, showing that the reform agenda has widespread political support and has become embedded in public governance structures.

The Portuguese administration reiterated its commitment to “Invest in quality public services” as part of its XXII and XXIII Government Programmes (2019-2022 and 2022-2026, respectively). (The Civic Space Review was commissioned under the former government [XXII] and was continued after the change of government in 2022). The XXIII Government Programme places the transformation of services high on the reform agenda to support the modernisation, simplification and digitalisation of the state, with a prominent focus on meaningfully engaging citizens in the process and decentralisation (Government of Portugal, 2022^[8]). At the same time, the programme underlines the need to “improve the quality of democracy” to bridge the growing divide between the administration and citizens (Government of Portugal, 2022^[8]). This work will focus on five targets: *i)* Promoting democratic literacy and citizenship; *ii)* Ensuring access to public professions for all groups in society; *iii)* Waging a determined fight against corruption; *iv)* Strengthening regional autonomy; *v)* and deepening decentralisation to improve democracy and public service delivery (Government of Portugal, 2022^[8]).

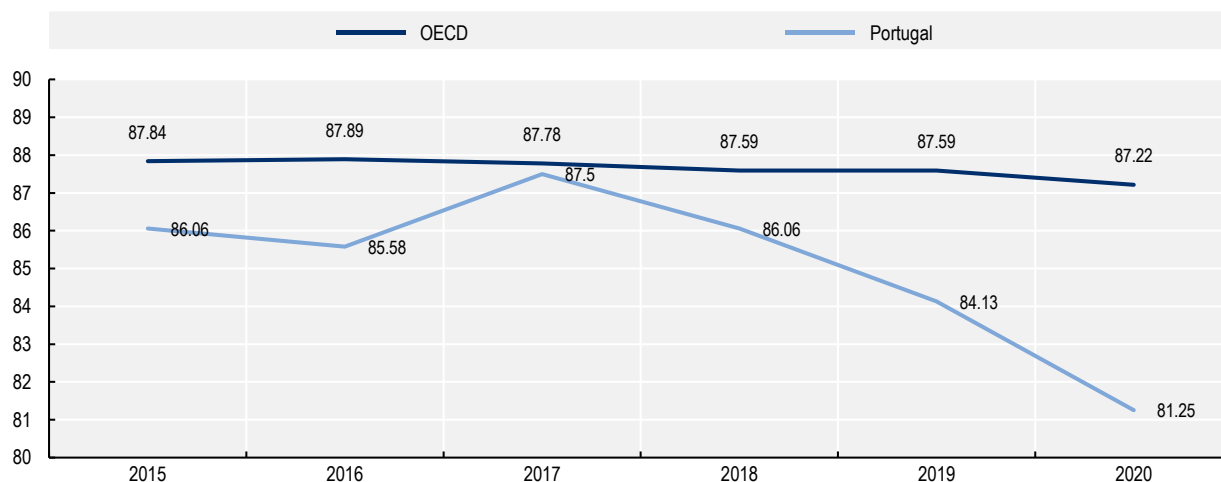
The vision of reforming public services has been mainstreamed as a priority across a host of government strategies and plans in recent years. Portugal's 2030 Vision, for example, acknowledges the need to gradually build capacities within the administration to deliver a new generation of public services, empower citizens to participate in public decision making and promote the inclusion of vulnerable groups (Government of Portugal, 2020^[9]). More recently, the Recovery and Resilience Programme (RRP) 2021-2026 outlined EUR 16.644 million in investments to restore sustained economic growth following the effects of the COVID-19 pandemic. The programme was elaborated with the help of a public consultation with civil society and acts as an umbrella for numerous upcoming initiatives under which public processes and procedures are to be redesigned (Government of Portugal, 2021^[10]). Together these frameworks underpin the government's strategic vision to transform services under a new paradigm that places citizens front and centre.

These reform priorities are rooted in a strong service delivery culture in Portugal. As a relatively young democracy, the country has achieved key milestones in establishing a robust service delivery infrastructure following the fall of the dictatorship in 1974. It follows a highly centralised model at the national level, with 19 ministries and affiliated entities delivering over 1 768 services across multiple sectors (Teles, 2020^[11]). Citizens can interact with the state through various channels, including an online one-stop shop called ePortugal.gov, onsite delivery interfaces, and one-stop shops for local onsite service desks across the country called Citizen Shops and Citizen Spots (Section 3.5.1 in Chapter 3). Since 2018, the government has also gradually promoted the decentralisation of public service delivery across its 18 regions, 308 municipalities and 3 092 parishes in an effort to continue scaling and broadening access at the local level (OECD, 2020^[12]).

These efforts have to date contributed to Portugal scoring highly in international rankings in terms of overall access, delivery and quality of services. According to 2021 data from the Varieties of Democracy Institute (hereafter “V-Dem”), Portugal scores above the OECD average on various indicators measuring access to public services by gender (3.96 out of 4), socioeconomic position (2.8 out of 4) and rural-urban location (3.5 out of 4) (V-Dem Institute, 2022^[13]). Portugal also ranks among the top 20% of countries in the World Bank Government Effectiveness Index, which includes a component on public service delivery (World Bank, 2021^[14]). While absolute scores on this index indicate relatively positive perceptions of the quality of public services, policy implementation and commitment of the civil service, the historic trends reveal that

progress towards delivering results is not linear. As Figure 1.1 illustrates, Portugal remains below the OECD average and has seen a relative slow-down of the government's capacity to deliver public services since 2017 compared to other OECD countries. As in many OECD Members, the crisis exposed and exacerbated many pre-existing inequalities in terms of access, calling for sustained efforts to tailor public processes and procedures to different local contexts.

Figure 1.1. Portugal compared to the OECD average in the World Bank Government Effectiveness Index



Note: Percentile rank (0-100) indicates the country's rank among others in the world, where 0 corresponds to the lowest rank and 100 to the highest.

Source: World Bank (2021^[14]), World Wide Governance Indicators, <http://info.worldbank.org/governance/wgi/Home/Reports>.

Responding to these challenges, the Secretary of State for Digitalisation and Administrative Modernisation has been at the forefront of public service reform efforts. Under the National Strategy for Innovation and Modernization of the State and Public Administration (2020-2023), it has operationalised the government's vision while strengthening its focus on innovation, administrative modernisation and in particular the ability of stakeholders to participate in the process (OECD, 2020^[15]). This work aims to transition from the use of “legally imposed and one-off consultation processes to the progressive constitution of a representative participatory ecosystem” that can place the voice of citizens at the centre of decision making and reimagine public processes and procedures to build a more “democratic, inclusive, digital and a greener society” (Government of Portugal, 2022^[7]). Notably, through the SIMPLEX flagship programme, AMA has also championed the administrative simplification of key procedures, digitalised public services, strengthened delivery channels at the local level and adopted measures to support the continuity of operations during the pandemic⁴ (Government of Portugal, n.d.^[16]). According to a study by the Development Bank of Latin America, measures under SIMPLEX+ 2017 have contributed to annual savings of 8 142 million hours for citizens, 6.3 million hours for companies and 560 000 hours for the public administration, saving an estimated 12% of gross domestic product (GDP) (Estevez et al., 2021^[17]).

Under the Portugal Digital Transformation Action Plan, the government has in parallel sought to pair digitalisation with simplification to avoid obsolete or redundant processes (Estevez et al., 2021^[17]; Government of Portugal, 2020^[18]). In doing so, it has made great advancements with the digitalisation of over 1 768 public services on the ePortugal.gov portal, in line with the aims of the SIMPLEX programme. At the same time, it has also adopted measures to address the digital divides that persist in Portugal (Section 3.5.3 in Chapter 3), including the management of the aforementioned network of 845⁵ service desks called Citizen Spots to help different population groups to access over 200 public services.

Together, these initiatives have allowed the government to make important progress in not only expanding the interface between the state and the public, thereby using protected civic spaces to hear from citizens and respond to their needs, but also in advancing Portugal’s digital transformation. With the adoption of pioneering digital solutions to improve citizens’ lives, Portugal has thus been recognised as a digital champion in several international rankings and through its membership of the prestigious Digital Nations Group (Digital Nations, n.d.^[19]) (Section 3.5.1 in Chapter 3 and 5.2 in Chapter 5).

1.2.1. Leveraging human rights for public service reforms

On the front line of these efforts, LabX⁶ (Centro para a Inovação no Setor Público) within AMA has championed the development of the Guiding Principles in 2021 as part of a broader commitment to further using civic space to facilitate people-centred reforms (Government of Portugal, 2022^[11]) (see Box 1.2). As the first of its kind, this methodology responds to the government’s vision to gradually transform the way public institutions operate by promoting a new generation of services grounded in a values-based and people-centred perspective. Its nine principles reiterate that promoting transparency, accountability and stakeholder participation underpins the foundations for building a more open, efficient and modern public administration. As such, the principles not only have the potential to support public institutions in delivering high-quality services but also send a powerful message on the importance of using civic space to respond more effectively to citizens’ needs. They are also timely, as the administration is making a series of investments in the framework of the RRP for the redesign of public processes and procedures aiming to build back better from the pandemic and guarantee an inclusive, fair and resilient recovery. The RRP covers three main areas of intervention; resilience, climate transition and digital transition (Government of Portugal, 2021^[10]).

Box 1.2. Guiding Principles for a Human Rights Based Approach on Public Services in Portugal

The Guiding Principles were launched during Portugal’s Presidency of the Council of the European Union¹ in June 2021, following a comprehensive design process. Notably, LabX was granted the mandate to develop this framework by Resolution of the Council of Ministers No. 51 of 18 June 2020 under the “Never Forget Initiative” of the 75th Programme on the Memory of the Holocaust² (Government of Portugal, 2020^[20]). The principles are based on a human rights-based approach to the public sector, “based on the empowerment of civil society, the promotion of civic participation, information and responsible choices, strengthening the relationship between the citizen and the states, and thus increasing transparency and accountability.” The nine principles were designed based on various user research studies and onsite interviews with over 700 citizens and 500 service providers across the country. Findings from this research revealed a series of challenges underlining the need for a guiding framework to promote people-centred services, including long wait times, uneven delivery across municipalities and access barriers placing certain disadvantaged communities at risk of abuse or exclusion.³

The nine principles are:

1. Promoting citizens’ participation at all stages of the process, particularly from excluded or disadvantaged groups.
2. Designing, first and foremost, for the communities in vulnerable situations.
3. Analysing, in a systematic way, the expected and unforeseen consequences of service availability.
4. Valuing the process as much as the outcome.
5. Ensuring privacy and citizens’ personal data security.

6. Considering misuse cases as a serious problem to tackle.
7. Promoting continuous services monitoring and assessment.
8. Developing the right-holders' and duty-bearers' capacities.
9. Ensuring transparency on obligations, responsibilities and rights regarding services.

1. The Portuguese Presidency of the Council of the European Union took place from January to June 2021 (<https://www.2021portugal.eu/en>).

2. Resolution of the Council of Ministers No. 51/2020 of 18 June 2020 granted LabX the mandate to develop the Guiding Principles, under the "Never Forget Project" as part of the 75th programme on the Memory of the Holocaust. It is part of Axis 1 (1.7) "Public services based on rights – participation, innovation and experimentation in the public administration", which corresponds to the development of methodologies for the (re)design, experimentation and evaluation of public services with human rights at the centre.

3. Interview, LabX, 28 January 2022.

Source: Government of Portugal (2022_[1]), 2021 Portugal.eu – Guiding Principles for a Human Rights based approach on public services, <https://www.portugal.gov.pt/en/gc22/communication/document?i=guiding-principles-for-a-human-rights-based-approach-on-public-services>.

LabX defines a human rights-based approach as a working methodology that “promotes, protects and fulfils human rights and democracy, by integrating norms, standards and principles of international human rights law throughout the full service cycle” (Government of Portugal, 2021_[21]). Overall, it seeks to function as a road map to usher in a new generation of public services grounded in an “omni-channel and human-centric perspective” that can improve the quality, compliance and agility of existing processes and procedures. The approach acknowledges the importance of looking at factors such as geographic location, access to information, timeliness and relevance to special needs, all of which are core factors of high performing public services, according to the OECD Serving Citizens Framework (Baredes, 2022_[3]).

The Guiding Principles call on policymakers to adopt a holistic perspective to guarantee the full alignment of a wide and diverse breadth of public services with core democratic principles and values (Government of Portugal, 2022_[11]). On the one hand, the principles underline the need to strengthen services that directly contribute to protecting and promoting fundamental human rights, such as those related to access to health, education and social protection. On the other hand, they also call for all public services to be accessible, transparent and responsive to people’s needs – despite differences in citizens’ profiles, age, location and degree of disability, if any. The framework underlines that fighting discrimination, addressing inequalities, enabling stakeholder participation and promoting a digital and data-driven public sector are at the core of translating these aspirations into action (Government of Portugal, 2022_[11]).

The Guiding Principles are built on the idea that embedding a human rights-based approach and leveraging civic space to do so can support more inclusive and improved public services in various ways. First, it can facilitate coherence and collaboration across sectors to improve the quality of services and save costs and time for both citizens and public institutions alike. Second, engaging citizens in design processes can help raise awareness about their rights, build trust and better inform policies. Third, it can provide a framework to hold state service providers to account, in particular against a series of shared principles and fundamental values to support them in fulfilling their obligations as duty-bearers. Last, anchoring service design and delivery in democratic values and fundamental rights can help advance efforts to reduce inequalities and prevent the exclusion of traditionally vulnerable groups. The Guiding Principles are thus a powerful instrument to help bring about a new paradigm shift for “effective and sustained change in the very norms and values, structures, policies and practices of the public administration” and its relationship with the public (Government of Portugal, 2022_[11]).

More recently, LabX also developed the Methodological Guide for Public Services Based on Human Rights (Government of Portugal, 2021_[22]), which outlines a practical approach to support the implementation of this framework at all stages of planning, design, implementation and evaluation. It provides useful instruments for public institutions to design and evaluate the performance of public services in line with

each of the nine Guiding Principles. In doing so, it provides guidance on various practices and methods such as ethnographic service surveys, diagnostic tools to assess participation, stakeholder checklists and simple language guidelines, among others.

Building on these achievements, LabX is at a pivotal moment in terms of ensuring the uptake and political buy-in of this methodology across the entire administration. As part of the Mosaico initiative, LabX will lead a gradual pilot rollout of the principles until 2024 in a test ecosystem composed of 25 select services⁷ (Government of Portugal, 2022^[7]). This will be the first step to scaling up the adoption of the principles, in addition to supporting the evaluation and redesign of key services and will inform revisions of the principles in close consultation with public servants and civil society.⁸

1.3. The broad context for civic space in Portugal

The broad context for civic space within which public services are designed and delivered is relatively strong in Portugal. Core civic freedoms are well-established and protected by the Portuguese Constitution (Assembly of the Republic of Portugal, 1976^[23]), as well as in the relevant national legislation. At the same time, the country has made significant progress in recent decades in establishing robust regulatory, policy and institutional frameworks that foster the necessary conditions for civil society and the public at large to access information, associate, organise, express themselves and participate in different aspects of public life, including service reforms (Section 3.2 in Chapter 3). Over time, these efforts have resulted in relatively protected civic spaces, both online and off line, and have consistently contributed to Portugal's high score in international rankings on related dimensions of human rights, press freedom and rule of law (Box 1.3).

Box 1.3. Portugal performs well in global rankings related to civic space

- CIVICUS rated Portugal as “open” in 2022. This is the highest possible ranking; only 3.4% of countries are in this category (CIVICUS, 2022^[24]).
- Portugal ranks among the top 15% of countries in V-Dem's Liberal Democracy Index, ranking 22nd out of 178 countries (V-Dem Institute, 2022^[25]).
- Article 19's *Global Expression Report 2022* ranks Portugal as eighth out of 161 in terms of freedom of expression (Article 19, 2022^[26]).
- In Reporters Without Borders' (RSF) World Press Freedom Index, Portugal ranks seventh out of 180 countries with a score of 87.07 out of 100 (RSF, 2022^[27]).
- According to the World Justice Project, rule of law is robust in Portugal; it ranks 27th out of the 140 countries assessed (World Justice Project, 2022^[28]).
- According to Freedom House (2022^[29]), Portugal has a total score of 95 out of 100 with a status of “free”.
- According to the World Gallup Poll, confidence in the national government has increased in Portugal from 45% in 2007 to 61% in 2020, compared to the OECD average of 51% (OECD, 2021^[30]).

Sources: CIVICUS (2022^[24]), CIVICUS Monitor, <https://monitor.civicus.org/>; V-Dem (2022^[25]), Liberal Democracy Index, <https://www.v-dem.net/data/the-v-dem-dataset/>; World Justice Project (2022^[28]), Rule of Law Index 2022, <https://worldjusticeproject.org/rule-of-law-index/global>; Article 19 (2022^[26]); RSF (2022^[27]), World Press Freedom Index, <https://rsf.org/en/index>; Global Expression Report 2022, <https://www.article19.org/wp-content/uploads/2022/06/A19-GxR-Report-22.pdf>; Freedom House (2022^[29]), Freedom in the World 2022, <https://freedomhouse.org/country/portugal/freedom-world/2022>; Transparency International (2022^[31]), Global Corruption Perception Index 2022, <https://www.transparency.org/en/cpi/2022>; OECD (2021^[30]), *Government at a Glance 2021*, <https://doi.org/10.1787/1c258f55-en>.

Overall, Portugal benefits from well-established regulatory and policy frameworks that set a clear mandate to protect and promote civic space. Core civic freedoms, such as those of expression, peaceful assembly, association, the right to access information, as well as the right to equality and non-discrimination, are protected by the Portuguese Constitution (Law Library of Congress, 2021^[32]). National legislation also safeguards these principles, notably through laws on access to information (Law No. 26/2016), data privacy (Law No. 58/2019), press freedom (Law No. 2/1999), discrimination (Penal Code and Law No. 3/2011 and the civil code (Chapters 3 and 4). In practice, regulatory directives are operationalised through relevant policy frameworks in the form of national cross-sectoral strategies in areas such as equality and non-discrimination, media literacy, inclusion of people with disabilities, integration of migrants, anti-bullying, digital security, social security and public sector innovation (Government of Portugal, 2022^[7]).

The above frameworks are also enforced and safeguarded through a robust institutional set-up in Portugal (Government of Portugal, 2022^[7]). The ombudsman and thematic national commissions function as oversight bodies with the ability to protect victims from abuse and supervise the implementation of strategic commitments by the relevant line ministries (Section 3.2 in Chapter 3). A multi-stakeholder forum under the purview of the Open Government Partnership (OGP) led by AMA was also established to foster cross-ministerial coordination and contribute to the development of horizontal open government initiatives initiated under Portugal's OGP Action Plans (Section 4.2.1 in Chapter 4). The forum brings together actors from civil society as well as leading entities within the Portuguese administration, such as the General Secretariat of the Presidency of the Council of Ministers, the Committee of Access to Administrative Documents and the Tax and Customs Authority, among others.

The government's efforts to advance democratic rights and protect civic freedoms have also benefited from these being anchored and articulated in the Portuguese open government agenda. As a member of the OGP since 2017, AMA has led and consolidated a set of initiatives to promote the principles of transparency, integrity, accountability and stakeholder participation. In doing so, the country has achieved key progress with the establishment of the first national participatory budget (2017), the open data portal ([dados.gov](https://dados.gov.pt)) (2018), a multi-stakeholder forum (2018), a transparency portal ([transparencia.gov](https://transparencia.gov.pt)) (2021), an online civic participation portal ([participa.gov](https://participa.gov.pt)) (2021), a consultancy platform for citizens and stakeholders ([consulta.lex](https://consulta.lex.pt)) (2019) and the first-ever National Participation Day in 2022 (Government of Portugal, 2022^[7]). As part of its current OGP National Action Plan (2021-2023), the government identified public service design and delivery as a strategic focus area and adopted a commitment aimed at "developing inclusive service channels for accessing public services" (Government of Portugal, 2021^[33]) (Section 3.3 in Chapter 3). The open government agenda is thus a powerful instrument to support the adoption of the Guiding Principles alongside favourable civic space conditions that can enable reforms for more inclusive and accessible public services.

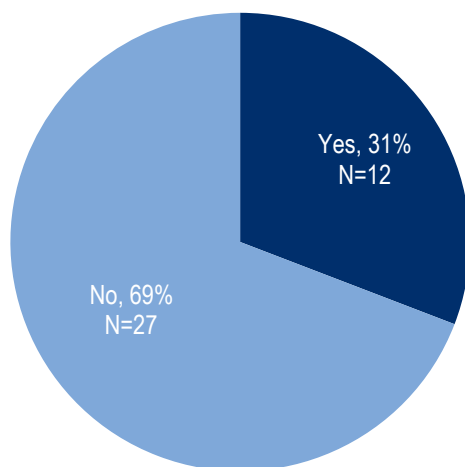
1.4. A complex road ahead: Challenges and opportunities

While the Portuguese government has embraced an ambitious reform agenda through the XXIII Government Programme, the Guiding Principles and the RRP (Section 1.2), it faces a challenging road ahead to translate its vision into action. At the same time, as discussed above (Figure 1.1), the social, human and economic costs of the COVID-19 crisis have exacerbated pre-existing challenges in delivering vital public services and have disrupted livelihoods across all sectors of society (OECD, 2021^[34]). The administration also has to contend with overcoming rapid technological, demographic and socio-political changes in the country as part of ensuring that services become more accessible, inclusive and responsive to the needs of citizens.

Indeed, the evolving political context in Portugal calls for strengthening existing governance arrangements, within LabX and beyond, to facilitate the adoption of the Guiding Principles, and in particular by promoting greater awareness of them, securing their legitimacy and fostering a whole-of-government approach for their implementation. At present, this initiative is being promoted by LabX and has faced challenges in terms of insufficient financial resources and staff for its scaling and dissemination. Anchoring the

methodology in short-term initiatives (e.g. Portugal's EU Presidency) resulted in a lack of consistent political backing and low levels of buy-in and uptake beyond the former Ministry for Digitalization and Administrative Modernization, now AMA. Among the interviewees for this Review from public institutions and CSOs, for example, only 12 out of 39 (31%) knew of their existence (Figure 1.2). Moving forward, efforts to update the principles in line with feedback and evolving needs and to promote their buy-in, uptake and long-term sustainability, would benefit from a participatory approach that can support a gradual cultural shift within the Portuguese administration and a whole-of-society approach in the way services are delivered.

Figure 1.2. Share of government and civil society stakeholders aware of the Guiding Principles for a Human Rights Based Approach on Public Services (2021)



Source: Author's elaboration based on OECD interviews with 15 civil society actors and 24 public institutions, from 15 November 2021 to 3 May 2022.

Other societal challenges further complicate the outlook for the planned reforms. Demographic changes in recent years have introduced far-reaching economic, financial and social impacts in Portugal. The Portuguese population of 10.3 million is experiencing the “double demographic ageing” phenomenon, with a high share of the population over the age of 65 (182 older adults per 100 young people) together with the lowest birth rates in the EU (7.7%) (Statistics Portugal, 2021^[35]). These dynamics have led to a deterioration of the dependency ratio (35.48%) and sparked concerns over reduced savings, the impact on the labour force, and the allocation of expenditures for pensions and healthcare at the detriment of other services (World Bank, 2020^[36]). With an overall 2.1% decline in the population, the 2021 Census found disparities in terms of its geographic distribution, with a higher concentration of individuals on the coastline and areas closer to the capital (Statistics Portugal, 2021^[35]). The uneven offer of public services across the country reflects these trends, in particular with limited access in the northern and southern regions, such as Algarve, Braga and Madeira, among others (Fadic et al., 2019^[37]).

With a diverse and changing population, Portuguese society is grappling with existing inequalities and growing instances of discrimination that have introduced barriers for certain groups to access public services and participate in public life more broadly. While Portugal has made great strides in reducing poverty, in 2021 the country had an income inequality rate⁹ of 5.65 which was higher than the EU average of 5.16, with significant variances across municipalities and between rural and urban communities (Eurostat, 2021^[38]; Oliveira et al., 2020^[39]). Inequalities have introduced risks for the socioeconomic integration of migrants and other minority groups. According to the 2021 Census, the number of foreign residents in Portugal increased by 40% between 2011 and 2021, amounting to 5.4% of the total population (555 299 people) (Statistics Portugal, 2021^[35]; Esteves, 2021^[40]). Alongside challenges to access services, communities of migrants, people of African descent and of other foreign backgrounds, in addition to Portuguese Roma, have

increasingly faced instances of discrimination based on prejudice and growing sentiments of discontent fueled in part by a growing far-right movement in Portugal (Section 3.6 in Chapter 3).

Amongst the inequalities exposed by the COVID-19 pandemic, digital divides have emerged as a key factor threatening the effective, responsive and accessible delivery of public services. It not only constrains citizens' ability to access public services, but also reinforces existing divisions by age, income and geographic location (Section 5.3.3 in Chapter 5). While the pandemic accelerated online activity, the scope and speed of the ongoing digital transformation have varied greatly across segments of the population, some of which have yet to fully reap its benefits. According to Eurostat, only 49% of the total population in Portugal used online public services in 2021 (Eurostat, 2021^[41]). This is consistent with digital literacy levels in the country, with 55% of the total population having basic digital skills, on a par with the Euro Area's 56% (Eurostat, 2021^[42]).

Furthermore, despite high levels of trust in the country, the government faces challenges in effectively promoting the participation of stakeholders in policymaking. Overall trust in government institutions in Portugal has been on the rise, with a 16% increase since 2007, reaching 62% in 2020, one of the highest levels in any OECD Member (OECD, 2021^[30]). However, political participation has remained generally low, as illustrated by an average abstention rate of 51.4% in the 2019 legislative elections, 60.8% in the 2021 presidential elections and 42.1% in 2022 (Conway, 2022^[43]; Government of Portugal, 2022^[7]). Despite the recent increase in opportunities and portals for citizens to engage, AMA views the low appetite for participation beyond the ballot box as a key obstacle to implementing participatory initiatives (Government of Portugal, 2022^[7]). Addressing related challenges and bridging the divide between public institutions and citizens will be key to strengthening democratic governance in Portugal. This topic will be discussed in detail throughout this Review (Sections 4.2.3 in Chapter 4 and 5.3.3 in Chapter 5).

The Portuguese administration has identified the aforementioned challenges as priority areas to frame future interventions related to public services, thereby improving the quality of democracy and promoting good governance more generally (Government of Portugal, 2022^[8]). This Review, therefore, takes stock of progress achieved to date, explores the above challenges in detail, and identifies opportunities to promote more inclusive and accessible services throughout. It also provides examples of good practices from peer countries (Estonia and the United Kingdom), in addition to Brazil, on how the government can fulfil its vision to transform public services by fully utilising civic space.

Chapter 2 provides an overview of the unique methodology and tools applied in the Civic Space Review of Portugal. It reviews the pillars of the OECD's analytical framework for assessing civic space, in addition to two other analytical frameworks on which the Review draws, namely on digital maturity and service design and delivery.

Chapter 3 reviews core legal and institutional frameworks that protect civic space in Portugal – namely civic freedoms, media freedom and digital rights – and identifies four key implementation challenges affecting equitable access to public services:

1. Addressing discrimination, racism and exclusion.
2. Fostering a sound media and information ecosystem.
3. Safeguarding online civic space and digital inclusion.
4. Strengthening the role of independent oversight mechanisms in protecting fundamental rights.

Chapter 4 analyses the enabling environment for civil society, in addition to the ways in which the Portuguese administration engages both citizens and stakeholders in service design and delivery.

Chapter 5 considers the relationship between digital government, public service design and delivery, and civic space; assesses two services against the Guiding Principles for a Human Rights Based Approach on Public Services; and makes a series of concrete recommendations on how Portugal can achieve its ambitious vision for public service reforms by using civic space more effectively.

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Notes

¹ Portugal approached the OECD’s Open Government, Civic Space and Public Communication Unit to undertake this work, recognising the similarities between the methodology underpinning its service reforms and that of the OECD’s Civic Space Scans (now Civic Space Reviews) (Section 2.1 in Chapter 2).

² Portugal is the second OECD Member to volunteer for a Civic Space Scan (now Civic Space Review), following Finland (OECD, 2021^[44]).

³ A third medical appointments service via MySNS and SNS 24 was originally part of the study, but was withdrawn in agreement with AMA in March 2022.

⁴ Following the onset of the COVID-19 pandemic, a series of measures to ensure the continuity of services were adopted under the SIMPLEX programme, including: a one-stop shop with all health-related measures called “Estamos On”; an emergency line; an automated messaging platform to report instances of domestic violence; and temporary kiosks to support urgent access to certain public services.

⁵ Data received from the Government of Portugal, March 2023.

⁶ LabX is the centre for innovation in the public sector within AMA. Its mission is to help shape and foster the innovation ecosystem within the public administration as well as to promote the reform of public services based on the needs of stakeholders.

⁷ The National Recovery and Resilience Programme will allocate EUR 198 million to the redesign of public services. The Mosaico initiative, led by AMA, will support the piloting of new delivery models for services with a view to ensuring their inclusiveness through the implementation of the Guiding Principles methodology. Notably, it also aims to create a single digital service portal called a “virtual citizen shop” that will act as a direct interface and contact centre with digital means through which citizens can receive support in accessing particular services. It will also see the expansion of the network of Citizen Shops, Citizen Spots and mobile units. For more information see: <https://eportugal.gov.pt/en/noticias/plano-de-recuperacao-e-resiliencia-em-consulta-publica-ate-1-de-marco>

⁸ Interview, LabX, 28 January 2022.

⁹ The income quintile share ratio compares the income share (in total households’ income) received by the 20% of the population with the highest disposable income with the income share of the 20% with the lowest disposable income. The higher this ratio, the bigger the income inequality.

2 Leveraging civic space to advance public service reforms in Portugal

This chapter provides a brief overview of the OECD's general approach to assessing civic space. It reviews how the methodology was adapted for the Portuguese context to focus on utilising civic space for public service reforms with an emphasis on empowering citizens and unleashing the power of digital government. It also discusses the methods and tools used for the Review.

2.1. An introduction to the OECD's approach to assessing civic space

Under the purview of the OECD's Public Governance Committee and the Working Party on Open Government, the OECD has been supporting countries around the world to strengthen their culture of open government by providing policy advice and recommendations on how to integrate its core principles of transparency, accountability and stakeholder participation into public sector reform efforts. The OECD's work on civic space is a continuation of this effort, recognising that civic space is an enabler of open government reforms, collaboration with non-governmental actors and effective citizen participation. As a key contributor to an open government ecosystem, civic space is thus fully integrated into the OECD's open government work in support of the OECD *Recommendation on Open Government* (OECD, 2017^[1]).

The OECD Observatory of Civic Space was established in November 2019 to support member and partner countries to protect and promote civic space. Its work is guided by an Advisory Group comprised of experts, funders and world-renowned leaders on the protection of civic space. The Observatory was established within the Open and Innovative Government Division of the Public Governance Directorate in light of a recognition that while many countries were making significant progress in furthering their open government agendas, civic space – which facilitates and underpins open government reforms – was under pressure in different ways in many of the same countries. There is also a well-documented decline in the protection of civic space globally (OECD, 2022^[2]).

The OECD approach to assessing civic space, developed in 2020, is articulated in the Civic Space Scan analytical framework in the area of open government (OECD, 2020^[3]). The starting point for this work is the OECD's working definition of civic space:

“Civic space is understood as the set of legal, policy, institutional and practical conditions that are necessary for non-governmental actors to access information, express themselves, associate, organise and participate in public life”.

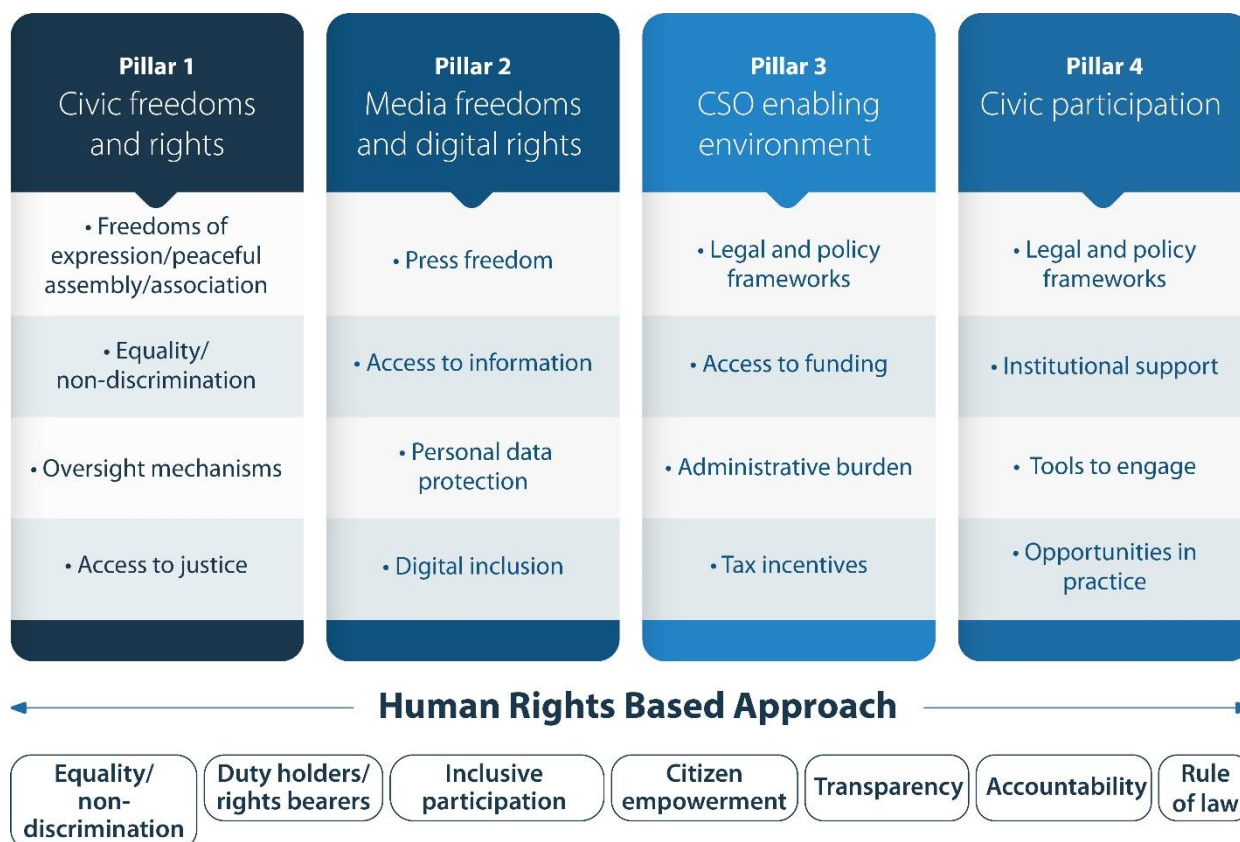
As this suggests, the OECD approach to civic space is informed by its long-standing focus and expertise on good governance and open government, in addition to its constructive relationship with civil society actors. From a good governance perspective, the work aims to evaluate how existing legal, policy and institutional frameworks, as well as the public sector's capacities and management practices, shape and affect civic space. The open government focus addresses how these frameworks translate into participatory practices and accountability mechanisms or how civic space can be transformed into a vehicle for effective participation of non-governmental actors in policymaking, decision making, and service design and delivery to contribute to enhancing democratic governance. The intent is that this unique government perspective will support a better understanding of civic space vitality, progress, opportunities, constraints and outcomes at both the national and global levels.

Civic space Reviews (formerly “Scans”) focus on four key thematic areas (Figure 2.1 and Figure 2.2):

- civic freedoms and rights
- media freedoms and digital rights
- the enabling operational environment for civil society organisations (CSOs) to operate in
- stakeholder and CSO participation in policy and decision making.

Numerous cross-cutting principles – including equality and non-discrimination, inclusion, accessibility, rule of law, citizen empowerment and the impact of COVID-19 – as well as the open government principles of transparency, accountability, and citizen and stakeholder participation are mainstreamed throughout the reports.

Figure 2.1. The OECD's four pillars of civic space



Source: Author's elaboration.

Civic Space Reviews provide in-depth qualitative assessments of both theory (*de jure* conditions) and practice (*de facto* conditions). The data-gathering process is based on a partnership with the reviewed country. In all cases, the analytical framework is used as a guide, and the precise issues discussed in each Review are determined at the country level (Box 2.1).

Box 2.1. The OECD's analytical framework on civic space anchored in the 2017 *Recommendation on Open Government*

The OECD's approach to assessing civic space is anchored in its work on open government. The OECD has been supporting countries around the world to strengthen their culture of open government for years by providing policy advice and recommendations on how to integrate the core principles of transparency, accountability and stakeholder participation into public sector reform efforts. This work culminated in the OECD *Recommendation on Open Government* in 2017, which defined open government as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth” (OECD, 2017^[1]).

Provision 1 of the Recommendation – the only legal standard of its kind on open government – notes the importance of taking measures “in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders”. **Provision 2** focuses on the need to ensure the “existence and implementation of the necessary open government

legal and regulatory framework”, while establishing adequate oversight mechanisms (OECD, 2017^[11]). **Provision 8** recognises the need to grant people “equal and fair opportunities to be informed and consulted” on governance issues and for them to be actively engaged in all phases of public sector decision making and service design and delivery. Furthermore, the Recommendation advocates for specific efforts to reach out to “the most relevant, vulnerable, under-represented or marginalised groups in society”, while avoiding undue influence and policy capture and for promoting innovative ways “to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools” (**Provisions 8 and 9**) (OECD, 2017^[11]).

The OECD’s work on civic space is anchored in the recommendation as a facilitator of open government principles and reforms and good governance more broadly. To achieve their full potential, it is essential for open government reforms to be embedded in an enabling environment (OECD, 2016^[4]), with clear policies and legal frameworks setting out the rules of engagement between citizens and the state; framing boundaries; and introducing rights and obligations for governments, CSOs and citizens alike (OECD, 2016^[4]).

Sources: OECD (2017^[11]), “Recommendation of the Council on Open Government”, <https://www.oecd.org/gov/Recommendation-Open-Government-Approved-Council-141217.pdf>; OECD (2016^[4]), *Open Government: The Global Context and the Way Forward*, <https://doi.org/10.1787/9789264268104-en>.

2.2. Civic space for public services: Adapting the OECD’s Civic Space assessment methodology to the Portuguese context

The OECD’s methodology for assessing civic space has been adapted to Portugal’s particular request to focus on civic space for public service reforms. The overall aim of the Review is thus to support the Portuguese administration in its quest to utilise civic space more effectively to further its ambitious reform agenda of developing more people-centred public services, with a focus on the implementation of its newly developed Guiding Principles for a Human Rights Based Approach on Public Services (Government of Portugal, 2021^[5]) (Box 2.2). The Guiding Principles were developed in 2020 during Portugal’s Presidency of the European Union and were in part motivated by a desire to commemorate victims of the Holocaust by embedding human rights in the fabric of government activity.

In line with Figure 2.1 and Figure 2.2, the Review analyses the legal frameworks, institutions and practices that support civic space in Portugal, zoning in on how these could currently, or potentially, impact, access to services and service delivery and design. It then analyses two particular services, chosen by the Portuguese administration, in separate case studies, on the basis of which it draws conclusions and makes recommendations on public service reforms more generally.

The two case studies are the Digital Mobile Key (Chave Móvel Digital, CMD) and the Family Benefit for Children and Young People (Abono de Família). The CMD is a means of authentication and digital signature certified by the Portuguese state which allows the user to access several public or private portals and sign digital documents with a single personal identification number (PIN). Any Portuguese citizen with a passport or foreigner with the necessary residency documentation can request a CMD. The Family Benefit is a social security payment in support of children and young people from birth to the age of 24. It can be applied for by parents or legal representatives of a child or young person in their care, or the young person themselves if they are over 18. The child or young person and the legal representatives must have a Social Security Identification Number to access the funds.

The analysis of the case studies focuses on exploring how the Guiding Principles are reflected in decision-making and design choices of the service teams responsible for the CMD and the Family Benefit. It seeks to identify opportunities for these services to benefit from civic space in Portugal and in turn, contribute back to its health and vitality (Section 5.4 in Chapter 5).

Box 2.2. A rights-based approach embedded in the OECD's analytical framework on civic space

A human rights-based approach is a method used to review policies, legal frameworks and initiatives through the lens of human rights and the state's obligation to ensure them. It is usually based on international human rights standards but can be adapted to an institution's own standards, depending on the purpose of the evaluation, as in the case of Portugal's Guiding Principles for a Human Rights Based Approach on Public Services (Government of Portugal, 2021^[5]).

A human rights-based approach identifies rights-holders (citizens and stakeholders), duty-bearers (governments) and the civic freedoms that people are entitled to under relevant legal frameworks. It essentially empowers rights-holders to claim their rights and duty-bearers to meet their obligations (OHCHR et al., n.d.^[6]; United Nations Development Group, 2003^[7]; European Commission, 2014^[8]). Accountability and the rule of law are embedded in the approach. Similarly, equality and non-discrimination and the principles of inclusion (focusing on marginalised and under-represented groups), participation (as a means and a goal) and empowerment are also fundamental components.

As Figure 2.1 illustrates, a focus on rights (e.g. freedom of expression, association and peaceful assembly) and a human rights-based approach more broadly, is firmly embedded in the OECD's analytical framework on civic space (Box 2.1). Indeed, recognising the similarities between Portugal's approach to service reforms (most notably its Guiding Principles) and the OECD's human rights-based approach to civic space led the government of Portugal to request that the OECD undertake this Review (Government of Portugal, 2021^[5]) (Box 1.2).

Sources: Government of Portugal (2021^[5]), Guiding Principles for a Human Rights Based Approach on Public Services, <https://www.portugal.gov.pt/en/gc22/communication/document/?i=guiding-principles-for-a-human-rights-based-approach-on-public-services>; OHCHR et al. (n.d.^[6]), Summary Reflection Guide on a Human-Rights Based Approach to Health, https://www.ohchr.org/sites/default/files/RGuide_HealthPolicyMakers.pdf; United Nation's Development Group (2003^[7]), The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies, <https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un>; European Commission (2014^[8]), Commission Staff Working Document Toolbox: A Rights Based Approach, Encompassing All Human Rights for EU Development Cooperation, <https://data.consilium.europa.eu/doc/document/ST%209489%202014%20INIT/EN/pdf>.

2.2.1. Using civic space to empower and engage citizens and stakeholders

The OECD's approach to service design and delivery recognises that a diverse range of actors is involved in any democratic society.¹ The chain of different actors includes politicians, line ministries and front-line public service providers (including CSOs and the private sector). Public sector accountability is thus based on the relationship between citizens (rights-holders) and public institutions (duty-bearers). Within this framework, citizens are key players in the service delivery relationship as rights holders and the state provides services for the public good as a duty holder. In return, citizens can demand information about performance from public sector institutions and based on this performance, they can enforce accountability, including through formal political mechanisms, such as elections, or informal mechanisms, such as interest groups, protests and public assemblies.

Table 2.1 provides a summary of the intersection between the OECD's four pillars of civic space and public service design and delivery. When civic space is protected, citizens and stakeholders can be active participants in the services they receive. This participation ranges from setting priorities to planning, tracking budgets and expenditures, contributing to design and delivery, monitoring and evaluating results, providing general oversight, and demanding accountability for public spending. This, in turn, allows governments to form strategic partnerships with civil society and align services and related policies to societal needs, facilitated by protected rights that permit individuals to inform themselves and express their

opinions on how services are conceptualised, budgeted and delivered; how efficient and effective they are; as well as the outcomes achieved. Such collaboration is facilitated by protected legal rights (e.g. in constitutions and legislation), access to information (e.g. provided across the public sector and by a free press), effective oversight (e.g. via national human rights institutions, an effective court system and ombudsman offices), relevant institutions (e.g. committees, advisory groups) and practices that respect fundamental rights (e.g. facilitated public protests, access to information offices, public consultations, participatory budgeting exercises and feedback mechanisms on individual services).

Table 2.1. Intersection between the OECD’s pillars of civic space and the public service delivery cycle

Civic space pillar	Intersection with the public service delivery cycle
Civic freedoms and rights	<ul style="list-style-type: none"> • Protected freedoms of expression, peaceful assembly, and association lay the foundation for citizens and other non-governmental actors to participate in the planning, design, delivery and oversight of public services. • Access to information allows the public to contribute to setting priorities and engage in informed dialogue, in addition to providing the necessary transparency on budgets and service performance so that policymakers and service providers can be held accountable. • Adequate oversight mechanisms and feedback or complaint mechanisms ensure effective implementation. Adequate legal protection ensures that citizens and civil society can exercise their rights on an equal basis with others.
Media freedoms and digital rights	<ul style="list-style-type: none"> • An independent and free media, backed up by an open Internet, provide the foundation for open debate on public policy and service agendas, and applies pressure for change. • Protected digital rights provide an environment in which citizens and civil society organisations (CSOs) can access information, use online services, provide feedback on their needs and voice their opinions.
CSO enabling environment	<ul style="list-style-type: none"> • CSOs advocate for the needs of particular groups, elevate collective priorities and interests, provide technical expertise, and design and co-deliver services in conjunction with government counterparts. • They also function as watchdogs, helping to monitor the delivery of services and report instances of abuse.
Participation	<ul style="list-style-type: none"> • Legal frameworks, institutions and practices that guarantee CSO and citizen access to policy and decision making concerning service planning, design, delivery and oversight.

Source: Based on Jelenic (2021^[9]), Background note: Concepts and methods, service delivery and civic space.

Engaging citizens and CSOs as partners in the design, delivery and oversight of services can lead to higher user satisfaction and, potentially, cost reductions. Indeed, such an approach – as outlined in the OECD Serving Citizens Framework (Table 2.2) – can support governments in delivering high-performing public services that are grounded in a people-centric perspective by engaging with end-users and improving: **access** (e.g. affordability, proximity and accessibility); **responsiveness** (e.g. treatment, special needs being met and timeliness); and the **quality** and outcomes of delivery (e.g. effectiveness, consistency and security) (Baredes, 2022^[10]). Engaging them as partners in the production and delivery of services also allows for a shift in power between service providers and users. This challenges existing organisational values and practices in the public sector and has real implications for accountability as citizens better understand what government (whether central or local) is doing and use this information to hold policymakers and service providers to account.

Table 2.2. The OECD Serving Citizens Framework

Access	Responsiveness	Quality
Affordability	Courtesy and treatment	Effective delivery of services and outcomes
Geographic proximity	Match of services to special needs	Consistency in service delivery and outcomes
Accessibility of information	Timeliness	Security (safety)

Source: Baredes (2022^[10]), “Serving citizens: Measuring the performance of services for a better user experience”, <https://doi.org/10.1787/65223af7-en>.

2.2.2. Unleashing the power of digital government to transform public services and protect civic space

The digital transformation of Portugal's public sector is yielding immense opportunities not only in the design and delivery of public services, but also for the protection and promotion of online civic space more broadly. Digital transformation and the evolution of digital technologies are providing new ways to exercise civic freedoms, access to information and press freedom. Digital tools and technologies are transformational for public services, whether by improving their quality, increasing their availability or simplifying users' access to them. Moreover, there are opportunities to use quantitative data to anticipate and understand the changing needs of society and to develop tools, platforms and methodologies that more readily source qualitative data and real-time feedback. Overall, digital transformation has helped to create more dynamic and inclusive civic spaces, supporting increased activism and engagement. It has also contributed to opening new online civic spaces, enabling a globally connected civil society to mobilise and advance causes across borders.

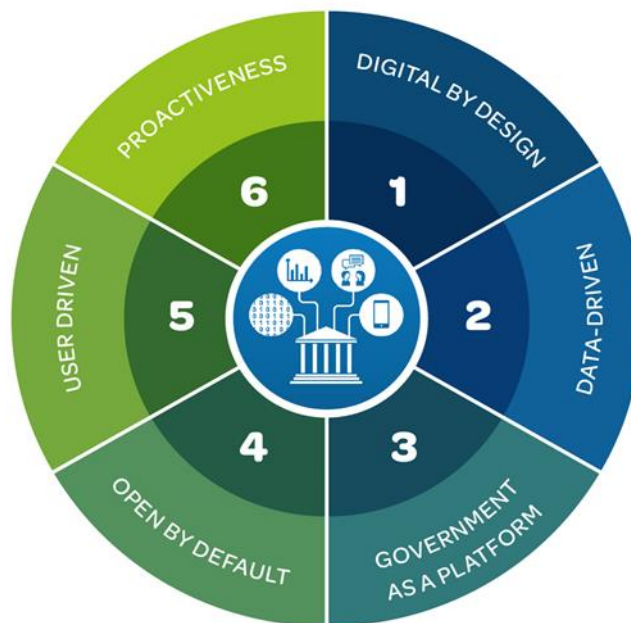
Nevertheless, it is also important to recognise the risks and uncertainties associated with digital change, particularly in relation to the public's trust in the way governments are using technologies and data. This requires governments to be mindful of the unintended consequences of digital innovations and to leverage technologies in ways that ensure citizens and CSOs can fully benefit from them.

The consequences of digital transformation for civic freedoms and civic space are particularly relevant in the context of the COVID-19 pandemic, given the widespread deployment of digital tools to respond to the global health crisis (OECD, 2022^[2]). Tracking technology played a critical role in monitoring people with symptoms and the disease progressed, for example. However, this technology is at the same time raising concerns about personal privacy and civil liberties in the context of mass surveillance. Concerns and challenges to civic freedoms are also arising as a result of other applications, including the role of artificial intelligence in automated decision making and the handling of informed consent for the sharing or reuse of personal data (OECD, 2022^[2]; 2020^[11]).

Digital technologies and data make it possible for governments to better respond to the needs of their users and to place their needs at the core of policy and service design. This user-centric approach places an emphasis on reflecting and capturing citizens' demands with greater accuracy, thereby increasing public trust and satisfaction and enabling public participation, all of which can help governments to design and deliver services that work best for users.

Building on the OECD *Recommendation on Digital Government Strategies* (OECD, 2014^[12]), the OECD Digital Government Policy Framework guides governments in their efforts to achieve digital maturity to unleash the potential of digital technologies and data within government. Its six dimensions – digital by design, data-driven, Government as a Platform, open-by-default, user-driven and proactiveness – define a fully digital government (Figure 2.2). Portugal currently ranks tenth among 33 participating countries (29 OECD Members and 4 non-Members) and third among 19 EU countries in the OECD Digital Government Index, which applies the Digital Government Policy Framework to measure countries' digital government maturity (OECD, 2020^[13]; 2020^[14]).

Figure 2.2. The OECD Digital Government Policy Framework



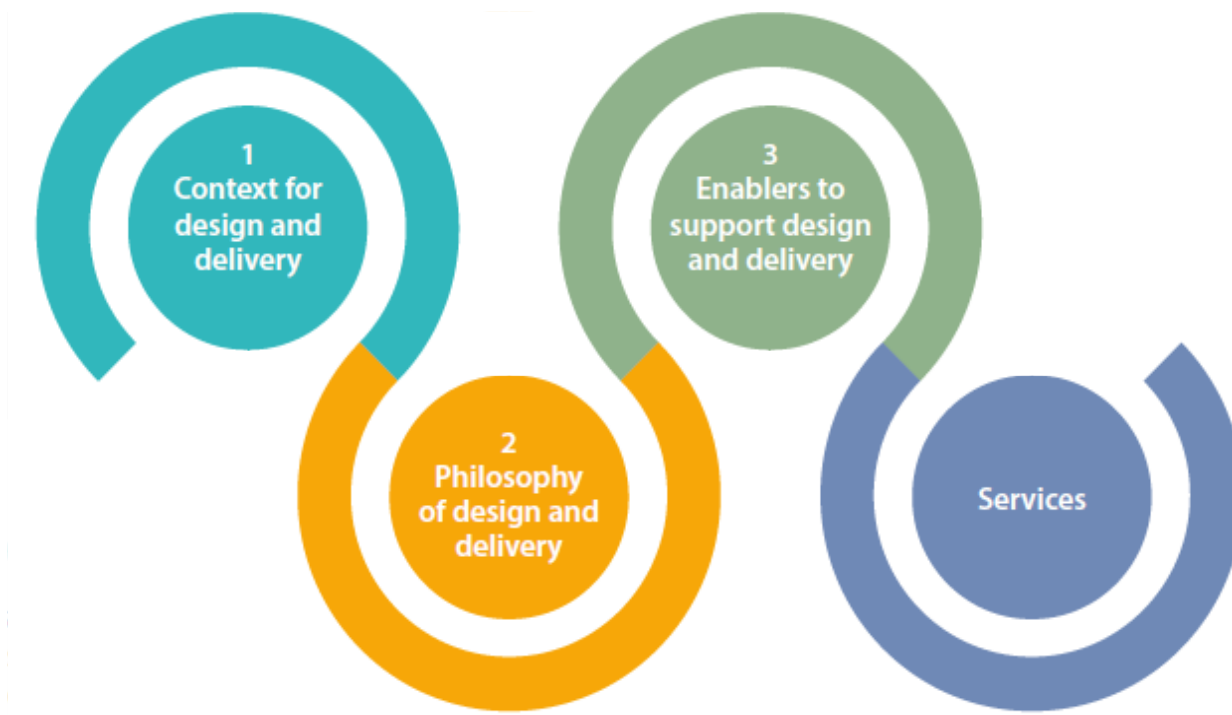
Source: OECD (2020^[13]), “The OECD Digital Government Policy Framework: Six dimensions of a digital government”, <https://doi.org/10.1787/f64fed2a-en>.

The Digital Government Policy Framework and the Digital Government Index are mechanisms for understanding the maturity of digital government in general. The effectiveness of these digital government practices can also reflect the health of civic space and, in turn, contribute to protecting, encouraging and enhancing more inclusive, accessible, citizen-centric outcomes. For example, while digital-by-design is the area of the framework concentrating on the structures for organisational governance, the most mature governments are those in which “digital” is a transformational element in the practice of government, allowing for public processes to be rethought and re-engineered so that the needs of all citizens are met. The most digitally mature governments are building the trust and confidence of society through more participatory, inclusive, open and responsive approaches to data, infrastructure and seamless service outcomes (OECD, 2020^[13]; 2020^[14]).

Chapters 3 and 5 of the Review discuss the relevance of Portugal’s performance in the Digital Government Index in shaping the context within which public service design and delivery is taking place and its associated relationship with civic space.

Designing and delivering services that are accountable, inclusive and accessible for all is fundamental to empowering 21st century societies and effectively meeting their needs. As discussed in the previous section, there are several connections between the life cycle of public services and civic space that allow citizens and stakeholders to contribute to those services. In considering the transformation of public services, the OECD Framework for Service Design and Delivery (Figure 2.3) focuses on the country-specific context and philosophy underpinning services, in addition to the availability of enabling resources to analyse the quality of service design and delivery outcomes.

Figure 2.3. OECD Framework for Service Design and Delivery



Source: OECD (2020_[15]), *Digital Government in Chile – Improving Public Service Design and Delivery*, <https://doi.org/10.1787/b94582e8-en>.

The framework consists of multiple elements within each of these pillars but, for the purposes of this Review, the most important elements of the above analytical lens are the following, all of which are discussed in more detail in Section 5.3 in chapter 5.

1. The context for public service design and delivery

The context for service design and delivery related to civic space is shaped by two elements: leadership; and demographics.

Leadership of public services involves the elected political leaders of the country as well as appointed, administrative and operational leaders within individual organisations (OECD, 2020_[15]). This includes shaping openness to user participation, determining the nature of delivery channels and influencing a culture of iterating services on an ongoing basis. Clear country leadership that protects civic space and systematically involves CSOs is consistent with efforts to create inclusive, people-centred public services based on the lived experience of users (Baredes, 2022_[10]).

In designing and considering access to services and information as well as creating opportunities for citizens and civil society to participate in, and contribute to, service design and delivery, it is essential for providers to consider a variety of different experiences and needs, including people living in urban and rural areas, different generations and people whose lives are shaped by any other demographic characteristic, especially marginalised or vulnerable groups (OECD, 2020_[15]).

2. The philosophy of public service design and delivery

The philosophy for public service design and delivery reflects on the behaviour and attitudes that contribute to the wider outcomes experienced by users.

The first question to consider is the extent to which governments understand and respond to whole problems across organisational boundaries and throughout the lives of users. User research helps identify user groups, understand those users' circumstances and map their journeys through different parts of government until their need is resolved. To design public services that fully respond to users' needs, it is critical to map and understand the existing landscape of public service provision; the interactions, information and data flows among public sector organisations; and the experience of citizens and stakeholders, including marginalised or under-represented groups. Achieving transformation means addressing whole problems, across all relevant actors and channels, rather than focusing only on discrete or siloed elements of a problem (OECD, 2020^[15]). A healthy civic space is important for gaining insights into citizens' lived experiences based on their feedback, and for encouraging public servants to seek and understand the context of different groups of users. Consultation and feedback mechanisms are valuable tools for understanding the landscape from the users' perspective and to better address their needs.

A second element is designing public service experiences from end-to-end. After understanding the boundaries of an entire problem, the most effective services solve a problem from start to finish. Public services should be easy to navigate, simple to complete and use data to anticipate and proactively address users' needs without requiring an unnecessary effort on their part. Regardless of how a government is configured internally, service design should ensure a smooth transition between physical, off line and digital elements of a service to give users access at any point in the process of meeting their needs through their preferred channel, while also simplifying internal processes managed by public servants (OECD, 2020^[15]; Welby and Tan, 2022^[16]). This approach reflects the need for holistic thinking that goes beyond technological solutions and considers the role of different actors, organisations and tools in responding to society's needs, taking into account the needs of individuals and their communities.

Third, citizens and stakeholders should be involved as early and as often as possible, in support of the ideas espoused through both the *OECD Recommendation on Open Government* and the *OECD Recommendation on Digital Government Strategies* (OECD, 2017^[1]; 2014^[12]). Recognising and understanding the users of public services implies not only being aware of the characteristics of society but also creating spaces where people can be brought together to openly share their experiences. To solve whole problems on an end-to-end basis in a proactive and user-driven way, it is critical to identify and work with the potential users of a service. This involves incorporating the views, needs and aspirations of the public from the outset, as well as being open to receiving and acting on feedback on an ongoing basis (OECD, 2020^[15]).

Fourth, governments' delivery methodology needs to be agile and iterative in order to improve over time. The use of qualitative and quantitative research is an important upfront element in identifying needs and planning for interventions. As Figure 2.4 shows, this process needs to continue throughout the service lifecycle to inform improvements, make changes and ensure that public services continue to meet the needs of their users over time.

Figure 2.4. An agile approach to the interaction between government and the public during policymaking, service delivery and ongoing operations



Source: OECD (2020_[15]), *Digital Government in Chile – Improving Public Service Design and Delivery*, <https://doi.org/10.1787/b94582e8-en>.

3. Key enablers to support public service design and delivery

The enabling tools and resources that governments develop, curate and endorse can help teams to respond more effectively to needs throughout the design and delivery of services. Governing and assuring the quality of digital government design making and service design carried out by public sector organisations is a foundational enabler. The governance of digital government investments involves business case processes, controls on spending and oversight bodies that evaluate proposals before being funded (OECD, 2020_[15]; 2021_[17]). The OECD *Recommendation on Digital Government Strategies* recognises that business cases are critical for achieving sustainable digital government (OECD, 2014_[12]). They can be used to incentivise behaviours such as co-design by offering additional funds, or setting requirements on teams to demonstrate how they will work in ways that are iterative, agile and user-driven in meeting whole problems. They can also help central government actors to build a cross-government view and identify opportunities to co-ordinate and collaborate across organisational boundaries and avoid operational silos. To ensure that activities are in line with expectations, service standards such as those incorporated into the *OECD Good Practice Principles for Service Design and Delivery in the Digital Age* are needed, with delivery assessed against those standards, and coaching or consulting provided to support the capacity building of delivery teams (OECD, 2020_[15]; 2022_[18]). The combination of these measures help central government bodies to reinforce inclusive approaches to service design and delivery that support civic space.

A second area to consider is digital inclusion. Although digital technology and data have the potential to transform the experience of services and enable citizens to engage with government, it is important to recognise that not everyone has equal access to the Internet or the necessary digital skills (OECD, 2020_[15]; 2021_[19]). To ensure that digital government and data approaches benefit everyone, it is essential to focus on connectivity, digital literacy and accessibility. This is especially important because digital divides can exacerbate existing inequalities (OECD, 2018_[20]). The level of connectivity available in a country is also important in achieving digital inclusion. It includes factors such as the availability of high-speed Internet, the extent of mobile data coverage and the cost of data connections. The protection of civic spaces and

the quality of service design and delivery are both shaped by access to an open Internet, data protection online and off line, as well as developing digital literacy in society.

Finally, the relationship between a healthy civic space and the design and delivery of public services is influenced by the channels through which services are made available. Public services can be provided by central, regional or local governments and involve dealing with multiple organisations and channels, which can lead to user journeys that switch among phone calls, face-to-face exchanges or online transactions. While citizens can often access public services via this “multi-channel” approach, websites, call centres, self-service kiosks or physical locations often behave as separate silos such that interactions begun online cannot be completed in-person and vice versa. A clear omni-channel strategy can address the confusion and ensure that regardless of the channel a user chooses, they will always be able to seamlessly access a consistent, joined-up, high-quality service (OECD, 2020^[15]; Welby and Tan, 2022^[16]). When governments consider the needs of all members of society, this includes retaining in-person service channels to complement those interactions that can be handled online or by phone.

The following chapters of the Review assess the core legal and institutional frameworks that protect civic space, analyse the enabling environment for civil society and then consider the specific experience of two public services to understand how civic space can be used more effectively to empower and engage citizens and stakeholders and, with the opportunities offered by digital government, support the transformation of public services in Portugal.

2.3. Methods and tools used

This Review was conducted electronically due to COVID-19. It is based on qualitative and quantitative data gathered using the following methods and tools:

- **Government background report.** The Administrative Modernization Agency (AMA) responded to a questionnaire from the Observatory of Civic Space in February 2021. The detailed questionnaire included 27 questions covering a range of issues on the policy and legal context, Portugal’s strategic vision for civic space, related achievements, challenges in protecting civic space, key actors, oversight mechanisms and related public funding.
- **Fact-finding mission.** Following the official launch of the Review in October 2021, the OECD’s virtual fact-finding mission took place from November 2021 to February 2022, with some additional interviews taking place between March and May 2022. Interviews were held with 39 separate entities, with public officials from 24 ministries and public institutions, in addition to 15 CSOs. Interviews were frequently followed up by email with requests for information and clarifications and findings from the mission were fully integrated into the report. The team undertaking the Review presented its preliminary findings to AMA in March 2022.
- **Literature review.** The OECD conducted an extensive review of legal texts, government policy and strategy documents, think-tank and academic reports, and government websites both in English and Portuguese.
- **Legal analysis.** As part of a partnership with the OECD, the Library of Congress prepared a background report on Portugal’s legal frameworks governing civic space (Soares and Grozescu, 2021^[21]). The report provides an overview of the fundamental rights that are constitutionally protected in Portugal such as the right to access information; freedom of the press; freedom of expression, assembly and association; the right to privacy and data protection; and protection from discrimination. It also provides an overview of laws that further regulate these guarantees, such as on an open Internet, data protection, CSOs and civic participation, in addition to limitations on civic freedoms.

- **Public consultation.** The Observatory of Civic Space held an online public consultation from October 2021 to February 2022, inviting submissions from non-governmental actors on four issues:
 1. How can Portugal strengthen its commitment to civic space?
 2. How can Portugal strengthen the enabling environment for civil society?
 3. How can Portugal strengthen its commitment to citizen participation in public governance?
 4. How can Portugal better plan, design, deliver and evaluate public services that respond to citizens' needs?

The consultation was advertised on the OECD website, the OECD public consultation platform, the OECD Newsletter, the AMA website and on social media. Twenty-seven contributions were received and have been incorporated into the Review.²

- **Service blueprints.** AMA engaged a private contractor to produce detailed service blueprints of the two services examined in detail in the Review (Section 5.4.1 in Chapter 5). To analyse civic space considerations for each service, the objective of the blueprints was to understand the process, institutions, actors and mechanisms underpinning the service delivery chain by mapping the “status quo” of how services are currently rendered. The aim was to consider where citizens may face restrictions in terms of access, inclusion or participation and to identify opportunities throughout the service delivery cycle to promote a more inclusive, accessible and people-centred approach.
- **Survey on Open Government.** The Review includes comparative data from the OECD’s 2020 Survey on Open Government, which included a detailed section on the protection of civic space (OECD, 2022^[2]).
- **Peer review process.** Estonia and the United Kingdom participated in the Civic Space Country Review of Portugal as peer reviewers. Following the fact-finding mission and a debrief on the preliminary findings from the OECD team, the peer reviewers provided analytical inputs and shared examples of good practices from their administrations (Boxes 3.5, 3.8 in Chapter 3; and Boxes 4.1, 4.2 in Chapter 4), in addition to reviewing and commenting on the draft Review.
- **Fact-checking and transparency.** The draft Review was sent to the Portuguese government for fact-checking in October 2022. Substantive feedback was received in March 2023 and fully incorporated into the report.

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Notes

¹ This section draws on a background paper for the Review by Jelenic (2021^[9]).

² See: <https://engagement.oecd-opsi.org/engagement/processes/2/debate>.

3

Creating the conditions for people-centred services in Portugal

This chapter assesses the conditions for creating people-centred services in Portugal. It begins with a review of the core civic freedoms that underpin a healthy civic space, assesses challenges related to equality and non-discrimination with a focus on migrants and refugees, the Roma community and people of African descent, and finally addresses Portugal's information ecosystem and the digital transformation of public services. For each area, it discusses key implementation challenges related to public services and provides concrete and actionable recommendations for the Government of Portugal.

3.1. Introduction

The enabling environment for people-centred services is relatively strong in Portugal. Core civic freedoms are well established and are protected by the Portuguese Constitution, as well as in relevant national legislation. The country benefits from a comprehensive legal framework governing civic freedoms, access to information, press freedom and digital rights, all of which are addressed in this chapter.

Like the majority of OECD Members, Portugal has ratified almost all of the key relevant international and regional treaties and conventions governing civic freedoms.¹ At the regional level, in June 1978, the Portuguese National Assembly approved the ratification of the European Convention on Human Rights, which was promulgated in September 1978 through Law No. 65/78, (Assembly of the Republic of Portugal, 1978^[1]). As a member of the European Union (EU), Portugal is also bound by the fundamental rights and freedoms guaranteed in the Charter of Fundamental Rights of the EU, which includes several rights also granted by the Constitution (Law Library of Congress, 2021^[2]).

Nevertheless, the practical implementation of these frameworks faces a series of challenges related to the equal access and inclusive delivery of public services. This chapter explores these issues in depth and provides tailored recommendations for the government of Portugal to strengthen institutional and legal frameworks protecting core civic freedoms, with a focus on:

- addressing discrimination, racism and exclusion;
- fostering a sound media and information ecosystem;
- safeguarding online civic space and digital inclusion; and
- institutions safeguarding fundamental rights.

3.2. Protected civic freedoms

Freedoms of expression, association, and peaceful assembly are fundamental civic freedoms that enable effective civic participation. These basic rights are an essential precondition for good governance and the development of any democratic society while contributing to the empowerment and well-being of non-governmental actors. The protection of civic space requires that all people are able to freely express themselves in public and come together to advance their common interests, including to contribute to public service design and delivery, to critique government decisions, actions, laws and policies, and to hold government actors to account without fear of repercussions. Legal and regulatory frameworks play a critical role in determining the extent to which all members of society, both as individuals and as part of informal or organised groups, are able to freely and effectively exercise their basic civic freedoms, participate in policy and political processes, and contribute to decisions that affect their lives without discrimination or fear.

3.2.1. Freedom of expression

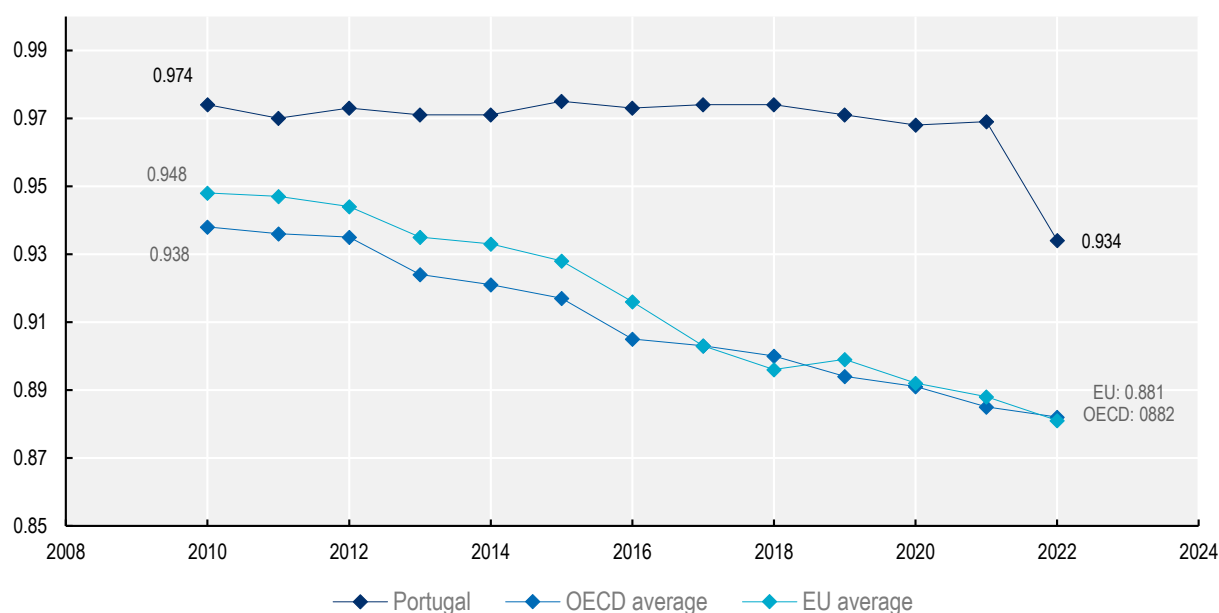
Freedom of expression is protected by the Portuguese Constitution (Article 37), which provides that all people have the right to express and publish their thoughts freely, through words, images or other means, and to receive information without impediments or discrimination. The exercise of these rights cannot be impeded or restricted by any kind or form of censorship; however, offences are punishable under the general principles of criminal law or the law relating to regulatory offences (Law Library of Congress, 2021^[2]). Law No. 58/2019 (Assembly of the Republic of Portugal, 2019^[3]) does not prejudice the exercise of freedom of expression, information or the press, including the processing of data for journalistic, academic, artistic or literary purposes to protect personal data, under the terms of the General Data Protection Regulation (GDPR). In terms of limitations, the Penal Code criminalises defamation and insults with up to three months' imprisonment or a fine (Articles 180, 181 and 182 respectively) (Law Library of

Congress, 2021^[2]). The overall legal framework for freedom of expression is in line with international human rights standards.

This is reflected in Article 19's *Global Expression Report 2022* wherein Portugal is classified as "open", ranking eighth out of 161 countries in terms of freedom of expression. The country has been considered "open" since 2010, and ranks higher than other OECD Members in the EU such as France, the Netherlands and Spain, but lower than Finland, Ireland and Estonia (Article 19, 2022^[4]). The Varieties of Democracy Institute (hereafter "V-Dem") has consistently scored Portugal highly in its Freedom of Expression Index (Figure 3.1) despite the country's drop in score in 2022. It has also consistently scored higher than the OECD and EU averages over the past decade, both of which have seen a steady decline.

Challenges related to freedom of expression, media and access to information are discussed in Section 3.6.1.

Figure 3.1. Freedom of expression in Portugal compared to OECD and EU, 2010-22



Note: On a scale of 0 (lowest) to 1 (highest).

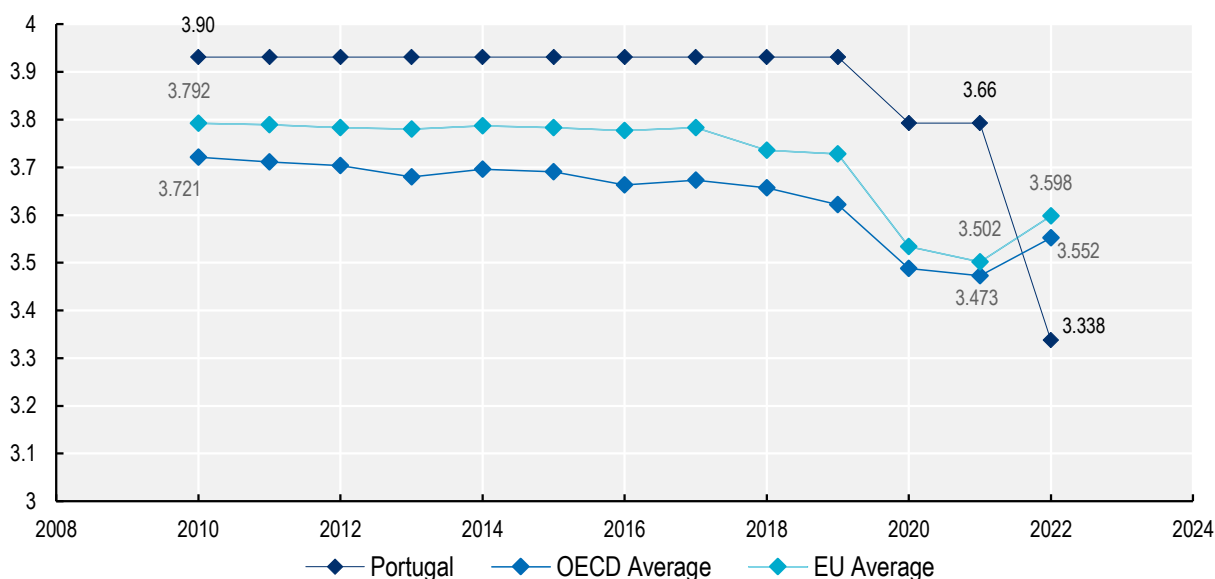
Source: V-Dem (2022^[5]), Freedom of Expression and Alternative Sources of Information Index, https://www.v-dem.net/data_analysis/VariableGraph/.

3.2.2. Freedom of peaceful assembly

Under Article 45 of the Constitution, citizens have the right to assemble peacefully and unarmed, even in public places, without prior authorisation. All citizens have the right to demonstrate. This is in line with legislation found in other OECD Members and with international human standards, including from the United Nations Human Rights Committee and the European Court of Human Rights. Freedom of peaceful assembly is also guaranteed and regulated by Decree-Law No. 406/74 (Government of Portugal, 1974^[6]), which according to a legal opinion of the Consultative Council of the Attorney General's Office, is still in force in Portugal and does not violate the 1976 Constitution. Therein, Article 1(1) states that all citizens are guaranteed the free exercise of the right to assemble peacefully in public places, open to the public and private, regardless of authorisations, for purposes that are not contrary to the law, morals, rights of natural or legal persons and public order and tranquillity (Law Library of Congress, 2021^[2]).

Portugal benefits from a relatively well-established environment where freedom of peaceful assembly is respected and protected. Over the last decade, the country has consistently ranked among the top performers of the V-Dem index measuring the degree of protection of this right, mostly ranking higher than the OECD and EU averages. As in many OECD Members, however, a recent decline reflected by the data underscores the difficulties experienced by citizens and civil society during the COVID-19 pandemic, with the introduction of confinement measures and other restrictions limiting spaces for peaceful protest. Despite the end of restrictions due to the pandemic, Portugal's score continued to decline in 2022, while the OECD and EU averages bounced back somewhat, resulting in rankings above the Portuguese score for the first time in the past decade (Figure 3.2).

Figure 3.2. Freedom of peaceful assembly in Portugal compared to OECD and EU, 2010-22



Note: On a scale of 0 (low) to 4 (high). The V-Dem Institute's indicator on freedom of peaceful assembly is based on the evaluation of multiple ratings provided by country experts, of whom about 85% are academics or professionals working in media or public affairs (e.g. senior analysts, editors, judges); about two-thirds are also nationals of and/or residents in a country and have documented knowledge of both that country and a specific substantive area.

Source: V-Dem (2022^[7]), Freedom of Peaceful Assembly Indicator, https://www.v-dem.net/data_analysis/VariableGraph/.

3.2.3. Freedom of association

In Portugal, freedom of association is well established and protected by a robust legal framework (Law Library of Congress, 2021^[21]). Notably, Article 46 of the Constitution states that citizens have the right to form associations freely and without prior authorisation, except for those aiming to promote violence. Associations may pursue their objectives freely and without interference from any public authority, and they may not be dissolved by the state, nor can their activities be suspended, except by judicial decision (Law Library of Congress, 2021^[21]). According to Article 51, freedom of association also includes the right to form or take part in political associations and parties. These guarantees on the right of association are moreover recognised and regulated by Decree-Law No. 594/74 (Government of Portugal, 1974^[8]). This is in line with law and practice in many OECD Members and is essential to creating an enabling environment for civic space. A detailed discussion of the implementation challenges regarding freedom of association is provided in Chapter 4.

3.3. Equality and non-discrimination

3.3.1. Equality and non-discrimination as preconditions for people-centred services

Equality and non-discrimination are cross-cutting themes in the OECD's work on civic space, as both are essential preconditions for inclusive, responsive and effective democratic participation on an equal basis with others. For the purposes of this Review, discrimination is defined as “the unjust or prejudicial treatment of different categories of people”. Discrimination can affect citizens' trust, in addition to their ability and willingness to engage with state institutions, whether to access services or provide an opinion, if they feel undervalued, excluded, unprotected or threatened. As such, all forms of discrimination can affect individuals' ability or willingness to freely express themselves or to assemble and influence decision making, including in relation to public services.

Portugal has taken substantial steps to protect civic space and to promote equal access to public services for all population groups, in particular vulnerable and marginalised persons. Building on a robust set of legal and institutional frameworks, the country has made notable progress in creating policies, such as thematic strategies, for different vulnerable populations, and in championing targeted initiatives to facilitate their integration in society and their equal access to services. For instance, the creation of national and local support centres for the integration of migrants and the municipal mediators for Roma communities described below are relevant measures to increase access to services for these groups. These efforts have particularly focused on supporting communities that have traditionally been under-represented in policymaking and have unequal access to services.

One of the fundamental responsibilities of the state defined in the Constitution is to promote the welfare and equality of the Portuguese people, and equality among them in their enjoyment of economic, social, cultural and environmental rights through the transformation and modernisation of economic and social structures. All citizens are equal before the law and should enjoy these rights (Article 13(1)). No one may be privileged, favoured, prejudiced, deprived of any right or exempted from any duty for reasons of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation, according to the Constitution (Law Library of Congress, 2021^[2]).

The Penal Code criminalises, among other things, the development of organised propaganda that incites discrimination, hatred or violence against a person or group of people because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity, or physical or mental disability, or that encourage it. Moreover, Law No. 3/2011 (Assembly of the Republic of Portugal, 2011^[9]) prohibits discrimination in accessing and exercising independent employment and transposes the following directives to Portuguese law regarding the independent work and procedural legitimacy of organisations whose purpose is to defend or promote the rights and interests of people against discrimination. Importantly, Article 4 defines equal conditions for the provision of services. Article 5 prohibits discrimination and provides a legal definition for it and for harassment, including sexual harassment, while Articles 9 and 10 establish fines and sanctions for violations. Similarly, Law No. 7/2009 (Assembly of the Republic of Portugal, 2009^[10]) established the Labour Code, defining direct and indirect discrimination, equal work and work of equal value (Law Library of Congress, 2021^[2]).

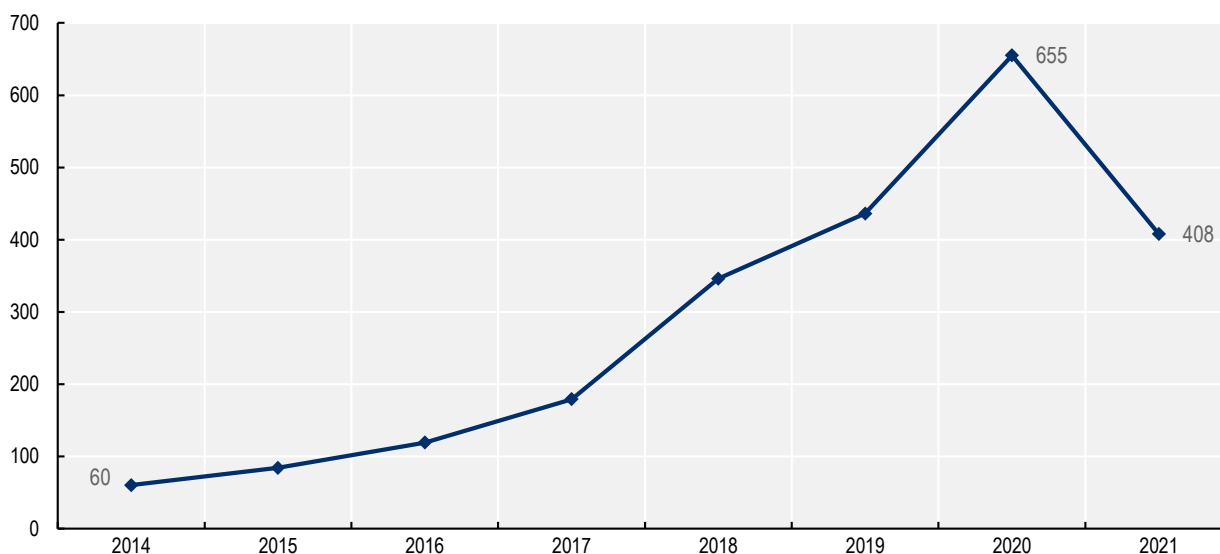
More recently, Law No. 93/2017 established the legal regime for preventing, prohibiting and combating discrimination based on racial and ethnic origin, colour, nationality, ancestry and territory of origin (Assembly of the Republic of Portugal, 2017^[11]). Law No. 94/2017 (Assembly of the Republic of Portugal, 2017^[12]), amended Article 240 of the Criminal Code (Government of Portugal, 1995^[13]) to punish anyone who provokes, defames, threatens or incites a person or group because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity, or physical or mental disability.

These legal efforts are reflected in Portugal's rankings on OECD indicators showing gender and LGBTI (lesbian, gay, bisexual, transgender, and intersexual) representation. Notably, Portugal has higher than the OECD average representation of women in politics (40% compared to the OECD average of 34%) (OECD, n.d.^[14]). Moreover, according to the OECD report: *Over the Rainbow? The Road to LGBTI Inclusion (2020^[15])*, Portugal is one of the three highest performing OECD Members. It was the country with the strongest growth (63 percentage points, from 13% to 76%), measured by performance regarding levels of legal LGBTI inclusivity as of 2019 and progress in legal LGBTI inclusivity since 1999. It is the second-highest performing country in terms of legal LGBTI inclusivity (OECD, 2020^[15]).

Yet, despite these efforts, problems persist with respect to discrimination, racism and exclusion. Regarding the legal frameworks, recent reports from the European Commission against Racism and Intolerance and the Commissioner for Human Rights of the Council of Europe have noted that racist motives are not considered an aggravated circumstance for all crimes, for example (ECRI, 2018^[16]; CommHRCoE, 2021^[17]).

Multiple stakeholders during the fact-finding mission and independent reports indicate that there is a rise in xenophobic and anti-immigrant, anti-Roma and racist sentiments (CommHRCoE, 2021^[17]; Freedom House, 2021^[18]; FRA, 2021^[19]; ECRI, 2018^[16]). There is an overall trend of rising numbers of related complaints, denunciations and manifestations of racial hatred, xenophobia and intolerance in Portuguese society, according to the Commission for Equality and against Racial Discrimination (CICDR) (Commission for Equality and against Racial Discrimination, 2021^[20]). As seen in Figure 3.3, this is reflected in the rise of complaints received by the commission, which saw a 44% increase between 2017 and 2021. However, it is important to note that the steady increase since 2014 also demonstrates a greater awareness of issues of racial and ethnic discrimination in society, coupled with a growing familiarity and confidence in the CICDR. The unprecedented spike in cases in 2020 was not necessarily related to an increase in perceived discrimination, for example, but more likely related to media coverage of certain issues, resulting in the same cases being reported by several people, thereby inflating the total number of complaints. The CICDR notes that the majority of complaints concern individuals (64%), compared to 25% where alleged discriminatory practices are directed at communities or social groups with common protected characteristics.

Figure 3.3. Complaints received by the Commission for Equality and against Racial Discrimination, 2014-21



Source: Commission for Equality and against Racial Discrimination (2021^[20]), Annual Report 2021: Equality and Non-discrimination on Grounds of Racial and Ethnic Origin, Color, Nationality, Ancestry and Theory of Origin, <https://www.cicdr.pt/-/relatorio-anual-sobre-a-situacao-da-igualdade-e-nao-discriminacao-racial-e-etnica>.

Out of the total of 408 complaints received, only about half (48%) fall within the sphere of competence of the CICDR. 18% of the total number of complaints resulted in an administrative offence process (73 complaints out of a total of 408). Of the 18%, only two ended in a condemnatory decision by the CICDR's Permanent Commission, leading to a fine and a warning respectively. The number of complaints redirected to other bodies points to the lack of clarity across complaints bodies raised in Section 3.6. Moreover, the commission also recognises that the number of complaints does not represent the real scope of the racial and ethnic discrimination problem in Portugal. Therefore, “the prevention, deterrence and punishment of discriminatory practices are still a permanent challenge” (Commission for Equality and against Racial Discrimination, 2021^[20]).

In addition, there has been an increase in hate speech in the public and online space against minorities and vulnerable groups (CommHRCoE, 2021^[17]; FRA, 2021^[19]; ECRI, 2018^[16]). The Judiciary Police has made efforts to co-ordinate the implementation of the code of conduct against hate speech and online terrorist propaganda adopted by the High-Level Group against Racism and Xenophobia of the EU (Human Rights Council, 2019^[21]). Similarly, police have been provided with training on discrimination against specific groups, and an increasing number of prosecutors specialised in hate crimes have been appointed in urban centres (ECRI, 2018^[16]). However, as Figure 3.4 shows, official figures point to a sharp increase in reported crimes based on racial or religious discrimination (DGPJ, n.d.^[22]).

There is also a rise in the number of hate crimes reported, reaching 150 in 2021, an increase of 14% compared to 2020. Portugal has made efforts to improve its data collection in this area and 2021 was the first year that related data on prosecutions and sentencing were available, indicating five prosecutions and three convictions. (OSCE ODIHR, 2021^[23]). Another challenge is that the definition of legal hate speech and hate crimes is considered narrow (ECRI, 2018^[16]) and thus, the understanding of police officers, prosecutors and judges of what constitutes such a violation remains limited (CommHRCoE, 2021^[17]). Consequently, while Portugal remains committed to prosecuting these crimes, the aforementioned challenges have resulted in few convictions, and victims tend not to report crimes of harassment, discrimination and hate due to a lack of trust in authorities.

Reports also show an increase in xenophobic movements, both in terms of their visibility and political support for the *Chega* political party (meaning “enough” in Portuguese), which uses rhetoric against immigrants, people of African descent and Roma (CommHRCoE, 2021^[17]). The party was created in 2019 and, following the 2022 general elections, became the third-largest political force with 12 seats (out of 230) (BBC, 2022^[24]). Its political representatives have increasingly used racist rhetoric in the political arena, thereby polarising public discourse and influencing online discussions, according to the Council of Europe (CommHRCoE, 2021^[17]). The latest Internal Security Report from the Homeland Security System (SSI) documented that a trend of radicalisation among Portuguese youth, exacerbated by the pandemic, continued in 2022, particularly through the use of online forums and social media to disseminate disinformation and what are described as far-right messages (SSI, 2022^[25]).

Overall, these challenges related to discrimination, racism and exclusion are widely recognised as hindering the ability of vulnerable and marginalised groups to access public services on an equal basis. Notably, the Guiding Principles highlight the need to fight discrimination and promote equality to ensure that public services are accessible to all people (AMA, 2021^[26]). In particular, Principle 1 aims to promote citizens' participation at all stages of the process, particularly from excluded or disadvantaged groups. Principle 2 calls for the design of public services, first and foremost, for communities in vulnerable situations. Against this backdrop, the following subsections examine how these challenges impact equal access to services – most notably in education, housing and employment – for a variety of different groups, namely migrants and refugees, Portuguese Roma, people of African descent and LGBTI persons. Discrimination and social exclusion reflect a cross-cutting challenge in Portugal that is of acute relevance for initiatives to foster more people-centred service design and delivery.

Other groups experiencing unequal access to services (but not necessarily discrimination), such as the elderly and youth, are addressed in Section 3.5.3.

Migrants and refugees

According to OECD data, the foreign-born population in Portugal was 0.7 million in 2021, representing 6.5% of the population (OECD, 2022^[27]). The *Immigration, Borders and Asylum Report* indicates that in 2021, Portugal had approximately 698 900 foreign residents, of which 111 311 were new residents and 1 537 asylum seekers. For resident migrants, the figure had increased by 5.6% compared to 2020, decreased by 5.8% for new arrivals and increased by 53.4% for asylum seekers (SEF, 2022^[28]). According to Eurostat, the share of non-nationals in the resident population represented 5% of citizens from non-EU countries, which equals the EU average, and 2% from other EU member states, which is below the EU average of 4% (Eurostat, 2022^[29]). Importantly, the same report also shows that the share of resident migrants has consistently increased over time since the country started collecting these data in 1976, resulting in a significant demographic shift. In 2021, the biggest group of migrants came from Brazil (29%), the United Kingdom (6%) and Cabo Verde (5%). In terms of asylum seekers, 56% come from Asian countries, mainly from Afghanistan as well as India to a lesser extent; 37% from Africa, mostly Morocco, Gambia, Guinea, Guinea-Bissau and Angola; and the remainder from Europe (3.5%), the Americas (3%) and other (0.2%) (SEF, 2022^[28]). This shift is also reflected in the education system, where data from the OECD's Programme for International Student Assessment (PISA) show that around 7% of students² in Portugal had an immigrant background in 2018, up from 5% in 2009 (OECD, 2019^[30]).

In broad terms, the country has an open policy of welcoming migrants and a firm commitment to integrate refugees once they are granted asylum (FRA, 2021^[19]). As highlighted by the 2020 Migrant Integration Policy Index, Portugal's integration policies towards immigrants have improved in the areas of equal rights, opportunities and security. Portugal's overall score in all measured indicators (81) is significantly higher than the EU average (49) and the OECD average (56). Importantly, the indicator measuring access to nationality is the second highest in the EU (86), compared to the EU and OECD averages (40 and 50, respectively) (MIPEX, n.d.^[31]). As a response to the COVID-19 pandemic, the government took the extraordinary measure of regularising migrants and asylum seekers with pending requests to guarantee them the same rights and support (ACM, 2020^[32]).

Another relevant institutional actor is the High Commission for Migration (ACM), under the Ministry of Internal Affairs, which is charged with the acceptance of refugees. These policies notably include the National Implementation Plan of the Global Compact for Migration (adopted in 2019) and the Strategic Plan for Migration implemented by the ACM. The most recent Strategic Plan for Migration, approved by Resolution No. 12-B/2015 of the Council of Ministers for the period 2015-20 (Presidency of the Council of Ministers, 2015^[33]), included five strategic axes: 1) immigrant integration policies; 2) inclusion of new nationals; 3) co-ordination of migration flows; 4) quality of migratory services; and 5) policies for the return of national emigrants (ACM, 2015^[34]). The last available monitoring implementation report highlighted that implementation of all actions was 90% in 2018 (ACM, 2019^[35]).

Under the purview of the ACM, one of the most relevant measures implemented with regards to public services includes the creation of the National Support Centre for the Integration of Migrants (CNAI). The overarching aim of the CNAI is to provide one-stop shop assistance to migrants by grouping all relevant services, institutions and support offices in one place (ACM, n.d.^[36]). Initially created in 2004, it now has three offices, one in Lisbon, one in the North region and one in the Algarve. The CNAI offices provide assistance in 14 different languages and dialects with the representation of a variety of key services providers, such as the Central Registry Office, Social Security and the Ministry of Education, among others. In addition, Portugal has a Network of Local Support Centres for the Integration of Migrants (known as CLAIM). Created in 2003, the CLAIM also aims to support the reception and integration process of migrants by articulating with various local structures. As they focus on the local level, they also provide support on

a “roaming basis”, reaching migrants who otherwise would not have access to services. There are currently 144 CLAIM offices distributed from north to south and the islands (ACM, n.d.^[37]). More recently, a Support Centre for the Integration of Refugees was also created to provide relevant services (ACM, n.d.^[38]).

The ACM supported the provision of three additional digital support channels to reach an even wider spectrum of migrants. The first is a telephone translation service, which is available free of charge in almost 70 languages and dialects to connect the relevant service provider, translator and migrant in a conference call (ACM, n.d.^[39]). The second is the My CNAIM app, which is an application that facilitates access to key service information and georeferencing of services with the CNAIM and CLAIM, as well as of immigration associations, professional insertion offices and refugee associations, among others (ACM, n.d.^[40]). The third is the migrantforum.gov, an online platform that allows interaction with ACM services and provides the opportunity to ask questions and request clarifications (ACM, n.d.^[41]).

Recognising the importance of municipalities for providing services and integrating migrant and refugee policies, the ACM facilitates a series of measures at the local level. Municipal plans for the integration of migrants outline the efforts needed by various stakeholders to achieve this objective in a single strategic document. As these plans are voluntary, the ACM provides a toolkit to support and encourage municipalities to develop them (ACM, n.d.^[42]). As of May 2022, there were 52 active municipal plans for the integration of migrants. Other measures for municipalities include an Index and a Network of Cities friendly to immigrants and diversity, a website with local inspiring practices and other practical tools for the suitability of local migrant integration policies (ACM, n.d.^[43]).

The Portuguese government has also implemented several initiatives in sectoral services, in particular in health and education. Concerning health, as highlighted by the Universal Periodic Review, “regular and irregular migrants have access to the National Health Service under the same conditions as Portuguese citizens” (Human Rights Council, 2019^[21]). Asylum seekers, refugees and their families, as well as minors and pregnant women are exempted from fees. Immigrant children also have access to compulsory education free of charge, and their families may receive subsidies to support the provision of school and other study materials (Human Rights Council, 2019^[21]). These measures have notably improved the learning results of migrant children and significantly decreased the rate of early school drop-outs (ECRI, 2018^[16]). In addition, the National Program for the Promotion of School Success (PIICIE), initiated in 2016, makes educational communities responsible for establishing an Integrated and Innovative Plan to Combat School Failure. These decentralised and tailored plans are used as instruments for policy collaboration between schools and surrounding communities and have been successful in improving educational practices and reducing school drop-out rates among minorities (Government of Portugal, n.d.^[44]).

Other relevant work led by different line ministries includes efforts in training and awareness raising of public officials and stakeholders. One example is the “What if it were me? Pack your bag and go” initiative. The project was led by the Ministry of Education with the support of the ACM to raise awareness among children and youth of the difficulties faced by refugees fleeing war and seeking humanitarian protection. While it was a voluntary exercise, more than 700 groups of schools and non-group schools participated (Directorate-General for Education, 2016^[45]). Another example is the Mentoring for Migrants Programme, where volunteers can exchange experiences and provide assistance and support (ACM, n.d.^[46]). Other important initiatives in this regard are language courses, such as the Choices Programme, which seeks to promote the social inclusion of children and youth from vulnerable socio-economic contexts (Box 3.1).

Box 3.1. The Choices Programme in Portugal

Targeted educational policies and programmes are required to promote equity and inclusion to support students from disadvantaged backgrounds as well as school success and respond to Portugal's current educational challenges, including grade repetition and early school leaving. First implemented in 2001, the Schools Programme (Programa Escolhas) is a government programme promoted by the Council of Ministers under the leadership of the Portuguese High Commissioner for Migration (Alto Comissariado para as Migrações). The Schools Programme targets 6–30-year-olds in vulnerable social and economic situations. These include children and young people with an immigrant background and from Roma communities.

The Schools Programme, currently in its seventh iteration, funds 101 projects, including three in the Autonomous Regions of Madeira and the Azores. It is financed from the overall state budget and is co-funded by the European Social Fund and regional programmes in Lisbon and the Algarve. The programme's main objectives are to promote the social inclusion of children and young people from the most vulnerable socio-economic contexts. Various areas are included in the programme, notably education and training, both considered essential to foster equal opportunities and inclusion. There are plans to intensify projects funded by the Schools Programme in 68 municipalities, mobilising numerous partnerships among municipalities, parishes, school clusters, migrant associations and other relevant stakeholders.

Sources: OECD (2022^[47]), *Review of Inclusive Education in Portugal*, <https://doi.org/10.1787/a9c95902-en>; High Commissioner for Migration (ACM) (n.d.^[48]), Presentation of the Choices Program, <http://www.programaescolhas.pt/apresentacao>.

Additional measures consist of training for public officials, such as security forces, justice officials and public service providers that work directly with migrants and refugees. For these activities, the Ministry of Education has put in place online tools for schools explaining key aspects related to refugees, such as regulations, reception measures, learning Portuguese, resources, and other useful links for educators and school managers (Directorate-General for Education, n.d.^[49]). In delivering these initiatives, CSOs are relevant partners of the government to provide ad hoc training, for instance on biases and prejudices. Importantly, CSOs that specialise in helping migrants and refugees also act as a bridge between the government and the services they need, as they often have a wider reach through local networks and greater trust from these groups. A notable example is the work of the Council for Refugees, which provides key legal support and services to refugees (Box 3.2).

Box 3.2. The Portuguese Council for Refugees

Created in 1991, the Portuguese Council for Refugees (CPR) is a non-profit organisation whose main objective is to defend and promote the right to asylum in Portugal. In line with international, European and national law on human rights and refugees, the CPR provides direct, free, independent and impartial support, carried out by the various departments specifically aimed at applicants for and beneficiaries of international protection to guarantee access to international protection and enabling this population to integrate.

To that end, the CPR conducts the initial and transitional reception of applicants for international protection and refugees resettled in the reception centres for refugees, located in Bobadela and São João da Talha and in the Reception Centre for Refugee Children. Since its creation, it has provided social and juridical support to over 14 000 claimants and refugees as well as integration services for unemployed youth and adults. The CPR, moreover, conducts advocacy with government entities as well as information, awareness and training actions, contributing to a more informed and receptive society towards refugees.

Source: Portuguese Council for Refugees (CPR) (n.d.^[50]), Mission, vision and values, <https://cpr.pt/missao-visao-e-valores/>.

Despite these notable efforts and measurable improvements, migrants and refugees continue to encounter challenges in accessing public services, according to the Commissioner for Human Rights (2021^[17]), the Human Rights Council (2019^[21]) and interviews from the fact-finding mission.³ The main challenges related to access are language and communication, the need for more attention on particularly at-risk groups and the regional divide.⁴ In terms of language, migrant fluxes change constantly, and while the demand for language availability at these centres also changes, their supply does not. Although the telephone translation service is available, the telephone line is often crowded with long waiting periods. Vulnerable groups often struggle to understand how public institutions work and the path needed to access each service. In practice, this means that migrants and refugees struggle to find the services that they have a right to. Finally, there is also a challenge in terms of trust, as migrants and refugees tend to rely primarily on local networks and CSOs rather than public authorities.

Although the centralised one-stop shop solutions – the CNAI, CLAIM and the Support Centre for the Integration of Refugees – are important milestones for improving access for these population groups, there is a limited number of centres, and thus of access. This means that payments are necessary for transportation to reach the closest centre as well as to transfer to specific service providers. This is particularly challenging for refugees, as the Support Centre for the Integration of Refugees and most CSOs are present in Lisbon but less so at the local level. Another relevant challenge is the institutions' limited capacity to deliver on their mandate for integrating migrants and receiving refugees. In addition to the ACM's co-ordination and implementation challenges, public officials do not have the necessary skills or knowledge of the public administration to guide migrants and refugees based on their specific needs. While some public officials do receive training, it is often short and provided on an ad hoc basis, which limits the impact on the overall service provision of these centres.

Sectoral services also struggle to keep pace on related obligations concerning migrants and refugees. In education, schools often do not have the necessary human or financial resources to provide the targeted attention needed for migrant and refugee children. As health services are often provided in Portuguese or English, migrants and refugees may not understand what steps they need to follow to access healthcare or are not aware of their right to request translation. Access to housing is also an issue for migrants and refugees, who are often refused rental contracts from property owners, according to the Commissioner for Human Rights (2021^[17]) and interviews from the fact-finding mission. However, this type of discrimination is difficult to prove, and existing complaints mechanisms are complex to find and dependent on the type of discrimination (Section 3.6), as well as requiring filing complaints in English or Portuguese.

Roma communities

Despite Roma communities being present in Portugal for more than 500 years (ACM, 2018^[51]), they are one of the most vulnerable groups facing discrimination and exclusion in the country (Mendes, Magano and Candeias, 2014^[52]). According to the European Commission, the Roma population represents around 40 000-70 000, or 0.52% of the population (European Commission, n.d.^[53]). The exact number is unknown since, as in many European countries, Portuguese legislation prohibits data collection on personal characteristics (Rutigliano, 2020^[54]).

In terms of institutional and policy frameworks, the Consultative Council for the Integration of Roma Communities (CONCIG) elaborates and coordinates the implementation, monitoring and evaluation of the National Strategy for the Integration of Roma Communities (ENICC) under the purview of the ACM (ACM, n.d.^[55]). In addition, the Roma Communities Observatory plays a key role in analysing trends and publishing reports related to this population group (ObCig, n.d.^[56]). The ENICC has eight strategic objectives and almost 40 measures planned for 2013-2022 (updated in 2018), each with measurable indicators. Importantly, some of the measures focus explicitly on anti-discrimination, integration and access to services, including education, housing and health (ACM, 2018^[51]).

Mediators are considered to be one of the most effective practices at the European level to reduce the gap between Roma and public institutions and services (Rutigliano, 2020^[54]). Established in 2009 by ACM, the Municipal and Intercultural Mediators in Portugal project aim to promote access to public services and facilitate the integration of Roma through mediators that are trained and placed in municipalities (ACM, n.d.^[57]). Funded by ROMED since 2011, a joint programme by the Council of Europe and the European Commission (Council of Europe, n.d.^[58]), this initiative has been led and championed by the Portuguese government as part of the ENICC since 2019 (ACM, 2018^[51]). By providing support to local communities, the mediators' approach has helped to strengthen social inclusion, as in the case of Braga (Box 3.3). Another initiative coordinated by ACM is the local integration plans for Roma communities, which are a voluntary measure by municipalities made in collaboration with the target population and local CSOs, also funded by the EU.⁵ As part of the ENICC, the Portuguese government has provided a guide on how to develop these plans, to facilitate their adoption by more municipalities. So far, 15 plans are in place and a further six are currently in preparation. Further to this end, a voluntary Network of Municipalities for the Participation and Inclusion of Roma Communities was created in 2020 involving 36 municipalities, which have autonomy to decide whether or not to incorporate the mission for the inclusion of Roma.⁶

Box 3.3. Municipal and intercultural mediators in Braga, Portugal

In 2019, the municipality of Braga in the north of Portugal started implementing a project with municipal and intercultural mediators for third-country nationals and Roma communities. With the support of the European Commission, the municipality implemented a series of initiatives, including mediation workshops and experience-sharing events such as an intercultural café, diversity-themed meetings and training sessions on accessing the most requested public services.

After two years of implementation, the project had involved more than 1 000 residents of Braga in different activities. Moreover, 16 community conflicts were solved through municipal and intercultural mediators. Importantly, one of the initiatives gathered relevant public officials for “get to know each other” activities with public and private entities relevant to the target population, with public officials from Social Security; the municipality of Braga; and local public companies providing services in housing, water supply and school groups, among others. An evaluation of the project showed that the Roma population recognised and valued the role of the mediators.

Source: European Commission (n.d.^[59]), Municipal and Intercultural Mediators in Portugal, https://ec.europa.eu/migrant-integration/integration-practice/municipal-and-intercultural-mediators-portugal_en.

To combat discrimination and prejudices against Roma, both the government and CSOs have conducted awareness-raising campaigns. For instance, the European Anti-Poverty Network launched a national campaign called “SOS Roma Communities” to raise funds and awareness to provide safety and hygiene kits to Roma during the COVID-19 pandemic (EAPN-PT, 2020^[60]).

Although efforts have been made in key sectoral services where Roma communities are particularly affected by exclusion, such as education, health and housing, important challenges persist. Regarding education, strong measures have been taken to tackle early school dropout rates of Roma children, including teacher trainings and scholarships for secondary and higher education (Human Rights Council, 2019^[21]). Scholarships for secondary education are a part of the ROMA EDUCA programme which is now in its fourth edition. During the previous three editions, the programme granted scholarships to 296 students, in addition to 120 scholarships during the 2021-2022 school year. Between 2017 and 2019, the number of Roma students attending upper secondary school increased from 256 to 651.⁷

The Operational Programme for the Promotion of Education also provides scholarships to students in higher education. This programme, now in its seventh edition, has administered 202 scholarships to Roma students in previous editions, and 39 in the 2021-2022 school year. Both programmes benefit from cooperation with Roma associations for the promotion, management and follow-up of scholarships and their recipients.⁸ Although Roma mediators have helped to improve school attendance rates, a survey in public schools revealed that while a large majority of Roma students are enrolled in basic education (87.2%), only a small share are in secondary education (2.6%) (DGEEC, 2019_[61]). The overall dropout rate reaches 25% among Roma students, compared to 8.2% among the general population. Most Roma drop out during the second cycle⁹ of basic education and secondary education, while most repeat grades in the second and third cycles (OECD, 2022_[47]). However, a survey by the EU Fundamental Rights Agency noted significant progress related to school segregation, where in 2021 only 2% of Roma children attended classes in which most students are Roma, down from 14% in 2016 (FRA, 2023_[62]). Between 2016-2017 and 2018-2019, the number of Roma high school students more than doubled, increasing from 256 to 651.¹⁰

To ensure their integration into the labour market, several employment and vocational training programmes are provided as well as awareness-raising for employers. Portuguese Roma have a self-declared employment rate of 31%, down from 38% in 2016 and the biggest gap compared to the general population (75%) in the EU. The country has a gender gap of 27 percentage points, with only 18% of Roma women participating in the labour market, compared to 44% for men, placing them below the EU average of 31 percentage points (FRA, 2023_[62]). As Portuguese citizens, Roma communities have full access to health services but due to often precarious living conditions, have limited access to running water (17% of Roma) and toilets, showers or bathrooms (25%) (ECRI, 2018_[16]). According to the FRA Roma Survey 2021, 62% of Roma respondents reported having felt discriminated against based on their ethnic origin in the past 12 months, an increase from 47% in 2016. In addition, 28% of Roma respondents reported having been subjected to hate-motivated harassment in the past 12 months, also an increase compared to 2016 (FRA, 2023_[62]). These figures indicate a rise in anti-Roma sentiment, discrimination and harassment in Portugal in recent years.

Roma do not have a dedicated complaints mechanism to counter discrimination, as the Consultative Council for the Integration of Roma Communities is only a consultative body. Similar to other Portuguese, they have to file a complaint either with the CICDR or the Portuguese ombudsman. However, one study revealed that while 48% of Roma were aware of these bodies, only 2% of Roma victims reported the most recent incident of discrimination to authorities (FRA, 2023_[62]). As several stakeholders reported during the fact-finding mission, another challenge has been the lack of official, up-to-date data concerning this population group, mostly due to the complexity of collecting the data from municipalities as well as a certain fear among public officials regarding how such data might be misused by far-right groups.¹¹ To remedy this, Statistics Portugal has developed a new tool, the Survey on Living Conditions, Origins and Trajectories of the Resident Population in Portugal, with results expected to be published in 2023 (FRA, n.d._[63]). Further, an Observatory for Roma Communities has been established within the ACM, with a mission to promote studies on Roma communities, supporting the implementation of the ENICC, and evaluating public policy on this topic.¹² As part of the National Plan to Combat Racism and Discrimination, the government has also implemented multiple training initiatives during the past two years, and several are planned in 2023, to increase the awareness and knowledge of public officials at national and local levels on the situation of Roma people in different sectors of society. However, as most initiatives promoted by the government at the local level are voluntary and are subject to political changes in municipalities, they often do not have the long-term continuity needed to make lasting change.

People of African descent

Despite different individual circumstances, Portuguese people of African descent face increasing levels of racism in public discourse, in private life and in public services in Portugal (CommHRCoE, 2021^[17]; Freedom House, 2021^[18]; ENAR, 2020^[64]; ECRI, 2018^[16]). As in many countries around the world, Portuguese civil society organised a series of demonstrations to fight racism in 2020 following the death of George Floyd and the Black Lives Matter movements (FRA, 2021^[19]; Gaudêncio and Costa, 2020^[65]) and there is an emerging narrative around the existence of systemic racism in Portugal and its roots in historical processes, such as colonialism and slavery (OHCHR, 2021^[66]).

Responding to these challenges, the Portuguese government has made important progress to strengthen frameworks to combat discrimination. The legal framework against racist discrimination has been reinforced with Law No. 93/2017 and Law No. 94/2017, as described in Section 3.3. Second, the work of the CICDR is key to monitoring the application of Law No. 93/2017 for preventing, prohibiting and combating discrimination; for receiving complaints based on discrimination; and for applying sanctions. Third, the CICDR, with the Working Group for the Prevention and Combat of Racism and Discrimination (Commission for Equality and against Racial Discrimination, 2021^[20]), recently adopted the first National Plan to Combat Racism and Discrimination 2021-2025 – Portugal Against Racism (PNCRD). It is a transversal policy covering the 2021-25 period that was built on extensive consultations with expert CSOs and citizens (see Chapter 4 for an in-depth discussion on how citizens and stakeholders are engaged in shaping policymaking and public services).

Importantly, the PNCRD was adopted by a resolution of the Council of Ministers. Therein, the government recognised that, despite the existing frameworks, there are still phenomena of racism and discrimination that violate fundamental rights and “that reflect the historical processes that gave rise to them, such as slavery and colonialism, and which perpetuated models of structural discrimination” (Presidency of the Council of Ministers, 2021^[67]). While the implementation phase of the PNCRD is still in its early stages, the plan is structured around four main principles and ten specific lines of intervention. Similar to other vulnerable and marginalised population groups, key target services include education, housing and health.

A relevant initiative in the area of public services is the creation of a massive open online course designed by the CICDR in partnership with the National Institute of Administration. This course will provide public officials with practical information about the causes of racism and racial discrimination to distinguish concepts such as racism, bias and discrimination, and to tackle myths. Several awareness-raising and training activities have also been conducted, such as theatre plays, debates and a national essay competition on racial discrimination in public schools. Trainings and workshops for media professionals were also organised, focusing on combating racial stereotypes (Human Rights Council, 2019^[21]). Portugal was also part of the “Hate no more” project to combat hate crime and hate speech in several European countries. The project consisted of a series of training and awareness-raising initiatives aimed at the Judiciary Police and the Public Prosecution Office in collaboration with CSOs and the government (APAV, 2018^[68]).

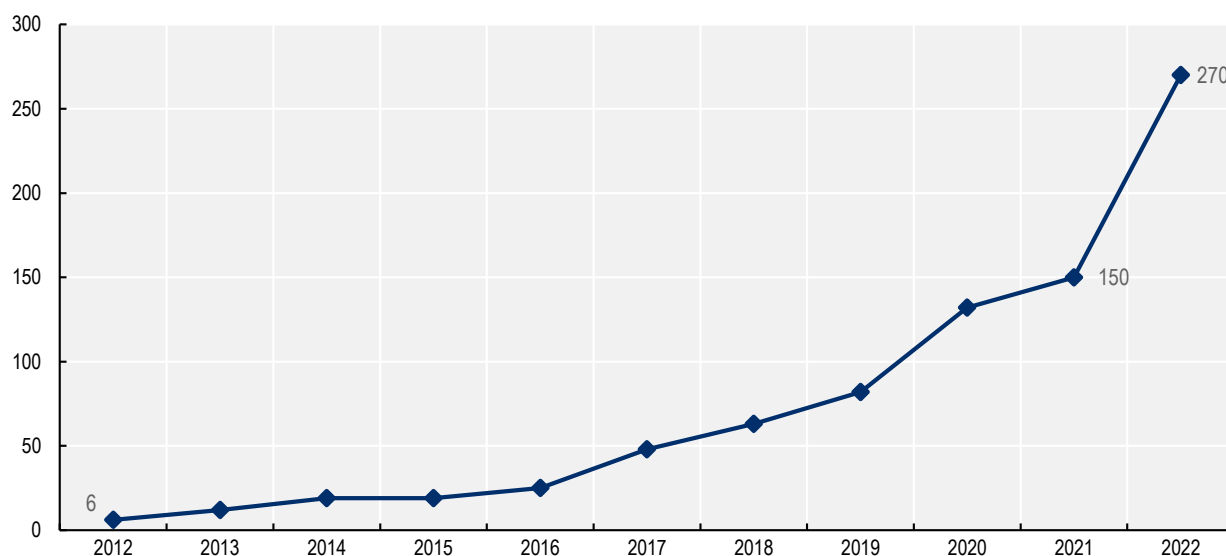
Nevertheless, people of African descent still face different types of racism, racial discrimination, xenophobia, Afrophobia and related intolerance, which impede their equal access to public services such as health, education and housing. The UN Working Group of Experts on People of African Descent has noted that formal and informal barriers to accessing healthcare continue, such as limited registration and lack of assistance (OHCHR, 2021^[66]). Stereotypes and racially discriminatory practices have also been reported in education and access to housing. For instance, racial disparities in teacher representation and academics have been found, as well as difficulties in accessing private rentals and housing (OHCHR, 2021^[66]). Reports of racial profiling by the police have also been raised (ENAR, 2018^[69]), as has inadequate access to legal aid (OHCHR, 2021^[66]).

One of the most relevant challenges in terms of racial discrimination is the lack of data collection by the authorities to inform public service delivery and the design of relevant policies. So far, the lack of data

hinders the capacity of the government to obtain a clear picture of who is discriminated against, where and why. Having data on ethnic, racial and indigenous identity allows minorities and vulnerable groups to be statistically visible, and by consequence, to expose potential discrimination and inequalities in different spheres of public life and access to services (Balestra and Fleischer, 2018^[70]). To respond to this shortcoming, the government of Portugal has committed to create an independent observatory of racism and xenophobia in the PNCRD. The Survey on Living Conditions, Origins and Trajectories of the Resident Population in Portugal, will also provide valuable data, with results expected from the pilot survey in July 2023 (FRA, n.d.^[63]).

There are also shortcomings regarding the aforementioned legal framework, since racist motives are not considered an aggravating circumstance for all crimes. As noted by the ENAR (2018^[69]), the proper registry of a hate crime is a crucial step to effectively investigating such crimes. The police and the judiciary rarely consider racist motives due to the limited awareness and training of law enforcement of such crimes. Consequently, this deters victims from reporting them (CommHRCoE, 2021^[17]; ECRI, 2018^[16]). As shown in Figure 3.4, although crimes for racial or religious discrimination have increased, total numbers remain low (DGPJ, n.d.^[22]).

Figure 3.4. Reported racial or religious discrimination crimes in Portugal, 2012-22



Source: Directorate-General for Justice Policy (DGPJ) (n.d.^[22]), Justice Statistics – Crimes recorded by the police forces, https://estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Crimes_registados_autoridades_policiais.aspx.

Finally, several CSOs highlighted during the fact-finding mission that the placement of the CICDR under the ACM is problematic,¹³ As it places equality and racial discrimination under the umbrella of migration, thereby somewhat implying that people of African descent are all foreigners and that the policy challenge relates to integration, rather than inclusion.

LGBTI persons

The Government of Portugal could usefully partner with CSOs that have expertise on discrimination issues to increase human and technical capacities for data collection and analysis. One relevant example is the case of the Lesbian, Gay, Bisexual, Trans and Intersex Intervention (ILGA). Although as a CSO it is focused on countering discrimination against LGBTI persons, the model and partnership developed with the government could serve as an example thematic area (Box 3.4).

Box 3.4. Observatory of Discrimination against LGBTI people of ILGA Portugal

Founded in 1995, the Lesbian, Gay, Bisexual, Trans and Intersex Intervention (ILGA) is the largest and oldest association fighting for equality and against discrimination against LGBTI people and their families in Portugal (ILGA Portugal, n.d.^[71]). In addition to providing support services for this community, in 2013, ILGA created the Observatory of Discrimination against LGBTI+ People. The observatory acts as an online platform for receiving complaints on discrimination and/or violence due to sexual orientation, gender identity and expression, or sexual characteristics. The complaints can be filed by the victims, witnesses, support and service professionals and non-governmental organisations in a confidential and anonymous way. The data are available online and published in a yearly report (ILGA Portugal, 2019^[72]). In fact, the government relies on data from ILGA in the absence of another complaint's mechanism gathering data on discrimination and violence against this community.

In 2019, the latest year for which data is available, the observatory received a total of 171 complaints, mostly from victims (43%) and witnesses (21%) (ILGA Portugal, 2019^[72]). This follows a slightly decreasing trend in the number of complaints over the years, with 186 in 2018, 188 in 2017 and 179 in 2016. In line with a trend observed since the beginning of the creation of the observatory in 2013, the vast majority of cases occur in urban centres. ILGA recognises that, given the different axes of exclusion, such as socio-demographic origin, ethnicity, profile of the area of residence, professional status, age or education, these numbers represent only a fraction of all cases. The 2019 annual report highlights that this population group often lacks access to reliable information, support, appropriately trained professionals and LGBTI support networks, adding to already existing vulnerabilities.

Sources: ILGA Portugal (n.d.^[71]), Why we exist, <https://www.ilga-portugal.pt/associacao/porque-existimos/>; ILGA Portugal (2019^[72]), Annual Report of the Discrimination Observatory 2019, <https://www.ilga-portugal.pt/denunciar-a-discriminacao/observatorio-da-discriminacao/>.

3.4. Press freedom and access to information

Press freedom and access to information (ATI) are essential components of democratic societies. They allow for access to diverse sources of information and enable informed debate as part of a vibrant public interest information ecosystem that facilitates citizen and stakeholder participation in public decision making, including in relation to public service design and delivery (OECD, 2022^[73]). Restrictions in these areas, in contrast, can hamper multifaceted and informed debate on matters of public interest and promote views that can ignite polarisation, in addition to impeding transparency and accountability.

3.4.1. Press freedom as an enabler of a robust media and information ecosystem

Press freedom is a cornerstone of civic space and a driver of a robust media and information ecosystem that allows citizens to consult up-to-date, accessible and reliable information to take an active part in public debate and engage with the state. In Portugal, freedom of the press is guaranteed under the terms of the Constitution (Article 38) and Law No. 2/1999 (Assembly of the Republic of Portugal, 1999^[74]), also called the Press Law. Freedom of the press includes the right to inform and to be informed, without hindrance or discrimination and the exercise of these rights cannot be prevented or limited by any type or form of censorship. The Constitution also requires, in general terms, the disclosure of the ownership and the financing of media entities (Article 38).

The Portuguese Media Regulatory Authority (ERC) is an independent entity mandated to safeguard press freedom (Section 3.6). In doing so, it ensures the freedom and independence of the media from political and economic powers; imposes the principle of specialty (on the professional bodies' activities and self-regulation competences) upon companies that own general information media; treats and supports those companies in a non-discriminatory manner; and prevents their concentration, in particular through multiple

or interlocking interests. Furthermore, the ERC, together with the relevant public authorities, ensures the existence and functioning of public radio and television services (Law Library of Congress, 2021^[2]).

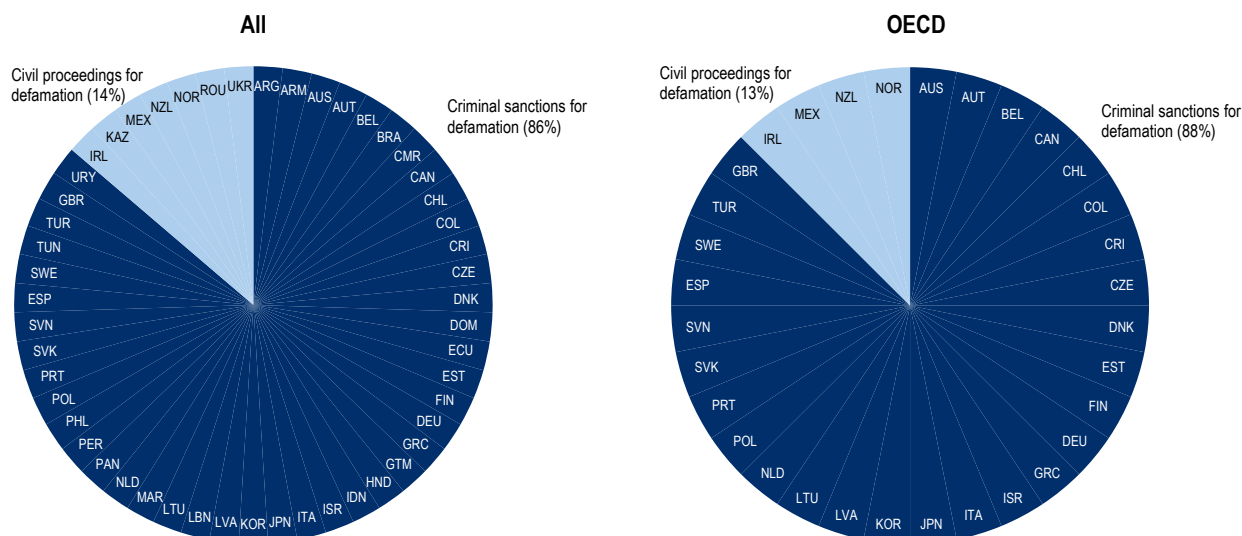
In broad terms, implementation of press freedom in Portugal is in line with international standards. This is reflected in the 2022 World Press Freedom Index issued by Reporters Without Borders (RSF), where Portugal ranked seventh out of 180 countries (with a score of 87.07), which is an improvement compared to previous years: in 2021 it ranked ninth, in 2020 tenth and in 2019 12th (Reporters without Borders, n.d.^[75]). Since 2013, Portugal has consistently improved the state of freedom of the press despite a general deterioration across Europe (Reporters without Borders, 2022^[76]).

While Portugal benefits from a relatively open news and information ecosystem, the media still face a series of structural challenges. According to reports from actors such as RSF (n.d.^[75]), the Reuters Institute for the Study of Journalism (2021^[77]) and CIVICUS (2021^[78]), the media sector contends with issues regarding its economic sustainability, security against cyber threats and increased violence against reporters, all which were exacerbated by the COVID-19 crisis. These combined challenges inevitably affect the quality of reporting and information available to the public.

A key factor that has contributed to the erosion of trust in the information ecosystem and the willingness of journalists and the public alike to participate in public debate has been the existing defamation legal framework. As in many OECD Members, defamation is a criminal offence in Portugal, contrary to international guidance (OECD, 2022^[73]) (Figure 3.5). While prosecutions are rare, the European Court of Human Rights “has repeatedly ruled against Portuguese authorities in both civil and criminal defamation cases against journalists” (Freedom House, 2021^[18]). One such example is the case of *Colaço Mestre and SIC v. Portugal*, where the European Court of Human Rights overturned a defamation conviction of a journalist and the television station SCI, resulting also in training to raise awareness of free speech organised for senior members of the Portuguese justice system (Council of Europe, 2007^[79]). While international human rights law permits limitations on free speech, it is crucial for defamation laws to be formulated carefully “to ensure that they comply with the requirements of necessity and proportionality, and that they do not serve, in practice, to stifle freedom of expression as well as of the press (OECD, 2022^[73]).

Figure 3.5. Criminal and civil proceedings for defamation, 2020

Percentage of OECD Members and non-Members that provided data in the OECD Survey on Open Government



Note: “All” refers to 51 respondents (32 OECD Members and 19 non-Members).
 Source: OECD (2022^[73]), *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance*, <https://doi.org/10.1787/d234e975-en>.

More recently, media organisations have also been the target of increased cybersecurity attacks, jeopardising press freedom and access to information. In early 2022, a ransomware attack hit the Impresa media outlets, which now faces a long road ahead for its recovery due to the loss of data and weakened online interfaces (Reuters, 2022^[80]). This incident was followed by a series of cyberattacks that also brought down Vodafone Portugal. Stepping up efforts to promote digital security will be key to ensuring media organisations, citizens and businesses can safely use digital services, in addition to providing feedback on them and engaging in their design and evaluation. In this regard, the government could leverage the existing commitment under its second OGP National Action Plan on raising awareness and building capacity on cybersecurity issues to further increase knowledge and skills within media organisations with a view to strengthening the information ecosystem.

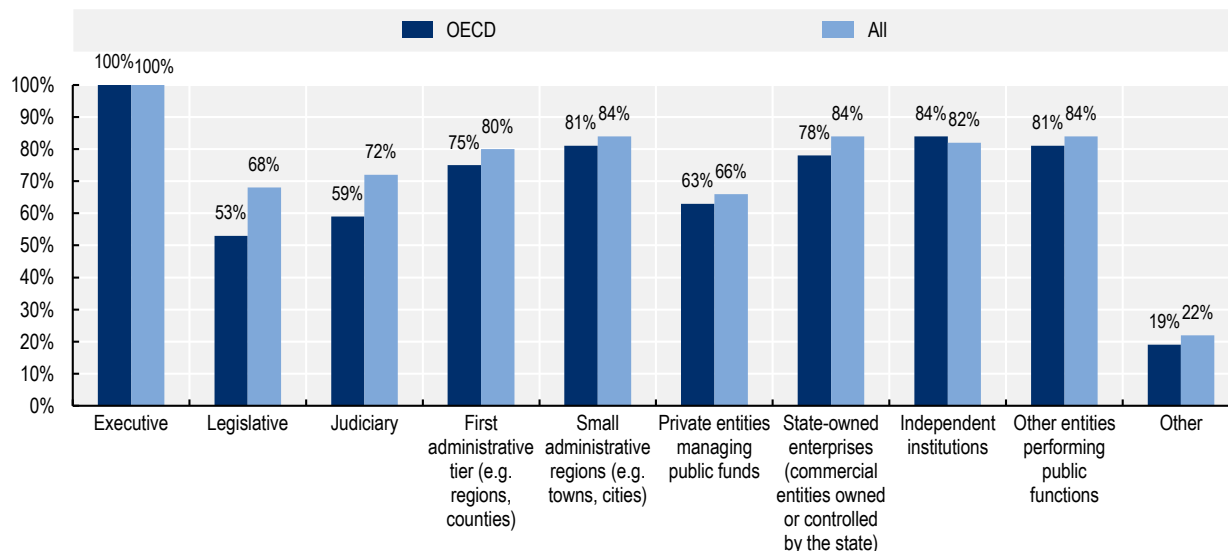
3.4.2. Boosting access to information for a more informed citizenry

Portugal has engaged in a series of efforts to strengthen access to information, both proactive and reactive, for citizens and stakeholders. The right to information is well established and protected by the Constitution in the country. Similar to 70% of OECD Members, Article 268 provides that “1. Citizens have the right to be informed by the Administration, whenever they so request, as to the progress of the procedures and cases in which they are directly interested, together with the right to be made aware of the definitive decisions that are taken in relation to them. 2. Without prejudice to the law governing matters concerning internal and external security, criminal investigation and personal privacy, citizens also have the right to access administrative files and records” (Government of Portugal, 2005^[81]). The right is then made operational through the access to information Law No. 26/2016 (Assembly of the Republic of Portugal, 2016^[82]) (hereafter the ATI Law) which regulates access to administrative documents and administrative information, including in environmental matters and is enforced through an independent oversight authority (*Comissão de Acesso aos Documentos Administrativos*, CADA). At the policy level, the government recognises the importance of having information available that is adequate, correct and up-to-date, as stated in the Guiding Principles. In particular, Principle 9 calls for transparency on obligations, responsibilities and rights regarding services, including “information on obligations, responsibilities and rights, including any costs, validity and complaints and claims mechanisms” (AMA, 2021^[26]).

According to the Global Right to Information Rating, Portugal’s law ranks 93rd out of 136 countries with a score of 73 out of 150 points, with the main shortcomings identified in the following categories: sanctions and protection,¹⁴ promotional measures,¹⁵ and exceptions and refusals.¹⁶ This score places Portugal below the OECD average of 81 points and the total world average of 87 (RTI Rating^[83]). Portugal’s law has a wide scope of application compared to other OECD Members, covering all branches and levels of government, as well as private entities managing public funds, state-owned enterprises, independent institutions, and other entities performing public functions¹⁷ (Figure 3.6).

Figure 3.6. Scope of application of ATI laws, 2020

Percentage of OECD Members and Non-Members that provided data in the OECD Survey on Open Government



Note: "All" refers to 50 respondents (32 OECD Members and 18 non-Members). At the time of writing, Costa Rica did not have an ATI law but an executive decree applying to the executive branch, therefore the country was not included in this question.

Source: 2020 OECD Survey on Open Government.

As in most OECD Members, Portugal's ATI Law includes provisions on proactive disclosure, which refers to the act of regularly releasing information without the need for a request from stakeholders. The types of information disclosed in Portugal are those most commonly published by other OECD Members, such as the functions of institutions, the organigram, legislation, budgeting documents, annual activity reports and audit reports (OECD, 2022^[73]). A key element that is not required as part of Portugal's proactive disclosure provisions are the services offered by each institution, although this is covered by Decree-Law No. 135/99 (Government of Portugal, 1999^[84]) and published in practice through other means. In that context, where and how this information is published is key to ensuring that information is accessible and useful for stakeholders. Portugal discloses required information on each institution's website (OECD, 2022^[73]). This can create confusion for users, as the format of the different websites varies, making it difficult to find the same information from different institutions. Furthermore, the information is not consistently updated and often does not comply with the minimum requirements by law.¹⁸

Reaffirming its engagement on increasing government transparency, Portugal adopted Commitment 9 of the second OGP National Action Plan (2021-2023), aiming to promote civic participation by boosting access to information (Government of Portugal, 2021^[85]). Portugal's previous and first National Action Plan (2019-2020) also included a commitment to improve the implementation and monitoring of the ATI Law (Government of Portugal, n.d.^[86]). Overall, measures to reinforce this right are anchored in the move towards a more digital and data-driven service delivery, with the massive digitalisation of services through the SIMPLEX programme and the deployment of the open data portal (Section 3.5).

While these measures have increased the availability of information and data, interviews from the fact-finding mission revealed that in practice, many people are unaware of the existence of access to information mechanisms and are unable to find the information they need.¹⁹ These challenges hinder the ability of citizens and stakeholders to be informed of their rights in accessing public services and the mechanisms in place to safeguard them. Several stakeholders noted that vulnerable and marginalised groups do not realise that this right is available to them, nor do they fully comprehend its potential in

allowing them to advocate for their own needs and demands to improve public services.²⁰ As argued in Section 3.6, a recurrent challenge linked to discrimination is the lack of awareness of existing redress mechanisms, which is partly due to the limited information available. As Section 3.5.3 argues, digital divides play a role in hindering access to online information and data regarding public services. Thus, efforts to bridge digital divides and address technology gaps between young and senior populations, rural and urban groups, and those from lower socio-economic backgrounds are crucial to ensure equal access to information on public services online.

Furthermore, the law states that everyone, without the need to declare any particular interest, has the right to make a request to access administrative documents, which is essential to uphold the access to information right. In fact, ensuring that access to information requests only require the minimum amount of information needed for the public official handling the request to be able to find the information and share it with the requester is considered a good practice. It is important to note that countries are slowly moving to allow anonymous requests as a way to ensure the protection of the identity of requesters and to avoid the risk of profiling of citizens and biased responses by government officials. In 18% of survey respondents the legislative framework explicitly protects the integrity and privacy of individuals and parties that file a request for information (OECD, 2022^[73]). In other countries, there are measures allowing for de facto anonymity. For example, some countries do not verify the information provided, such as the proof of identity or the email or contact address to send the requested information. Portugal's law does not allow anonymous requests.

Moreover, the law only allows requests to be filed by written communication or in-person (OECD, 2022^[73]). During the fact-finding mission, stakeholders noted the burdensome process to file a request and how, in practice, users are unable to track the status of their request, often leaving them without a response.²¹ Good practice in terms of access to information requests includes facilitation of easy filing of requests, for example, by permitting them online with a defined timeframe for public institutions to respond, the possibility to track their status, and a clear requirement that institutions are obliged to respond, or provide a justification.

To that end, the government of Portugal could consider creating a unique online platform to request information, track progress and monitor compliance from any public body to ensure access, quality and usability of the right to access information. Box 3.5 provides an example of a similar platform created by the federal government of Brazil.

Box 3.5. The Fala.br platform in Brazil

To ease the process of requesting information, Brazil created Fala.br, an innovative platform that combines the federal ombudsmen (*ouvidorias*) and the Citizen Information Service obligations. It allows citizens to request information and make complaints or claims against any federal body, express satisfaction or dissatisfaction with a service or programme, and provide suggestions for improving or simplifying public services. Importantly, users can also follow the progress of their request and file an internal appeal in case of non-conformity with the response. In addition, Fala allows the government to provide up-to-date statistics on requests. Overall, by centralising access to information requests into a single system, the Fala platform has significantly simplified the process for citizens, stakeholders and federal government institutions for making or processing an access to information request.

Source: Federal Comptroller General (CGU) (n.d.^[87]), Fala.br, Integrated Platform for Ombudsman and Access to Information, <https://falabr.cgu.gov.br/publico/Manifestacao/SelecionarTipoManifestacao.aspx?ReturnUrl=%2f>.

In terms of the governance of access to information, the institutional framework also faces challenges. First, the independent authority, CADA, has limited capacity for monitoring and enforcement as it lacks binding decision making powers. In addition, the law does not provide for mandatory awareness-raising activities, whether by CADA, or other institutions subject to the law. As a result, related activities are subject to the motivation and resources of individual institutions. Second, although the law requires that each institution designate an Access to information officer, as is the case in 50% of OECD Members, in practice, few institutions have done so. While CADA has a database of existing officers, it does not yet cover all bodies subject to the law. The database itself was not accessible at the time of writing. Third, public institutions have limited resources, both human and financial, as well as capacities, which hinders compliance with the transparency obligations. Furthermore, a lack of understanding of obligations under the ATI Law has resulted in public officials preferring not to disclose information due to fear of breaching the GDPR. As a consequence, during the fact-finding mission stakeholders noted that information requests often end up in administrative courts²² in order to obtain a response, a legal action which entails financial costs for the individual initiating the process, as reported by Transparency International Portugal (Transparency International Portugal, n.d.^[88]). This increases the burden of making a request and can discourage stakeholders from upholding their right to access information. This is a reflection of the inherent tension between access to information and personal data protection, where over-compliance with personal data protection regulations by public authorities can lead to restricted access to information, preventing CSOs and individuals from pursuing public interest research or investigative reporting.

In sum, there is a disconnect between the legal framework, the increasing amount of available government information and the ability of citizens and stakeholders to access or find it. As Chapter 5 analyses in more detail, the absence of people-centred systems hinders the usability of the information and data published by the government. Other relevant barriers include digital divides, the use of technical jargon and the lack of awareness of access to information obligations by public bodies.

3.5. Digital security, inclusion and people-centred use of technologies

In today's fast-paced and evolving digital era, public service provision is being revolutionised through digitalisation, while at the same time yielding challenges related to data privacy, equal access and digital divides. When civic freedoms are protected and the information ecosystem is healthy, online civic space can permit unprecedented real-time interaction between governments and the public in relation to service design and delivery. Technologies are creating opportunities for governments to interact with more citizens than ever before in new places, at new times and in new ways. Yet, technological developments are also taking place faster than the speed at which governments can readily integrate them into existing public service delivery models, and there can be tensions between the use of technology and the safeguarding of fundamental rights. The following section reflects on Portugal's ongoing digital transformation of its services, related concerns regarding digital security, data privacy and equal access, and the need to keep a focus on people-centred use of technologies.

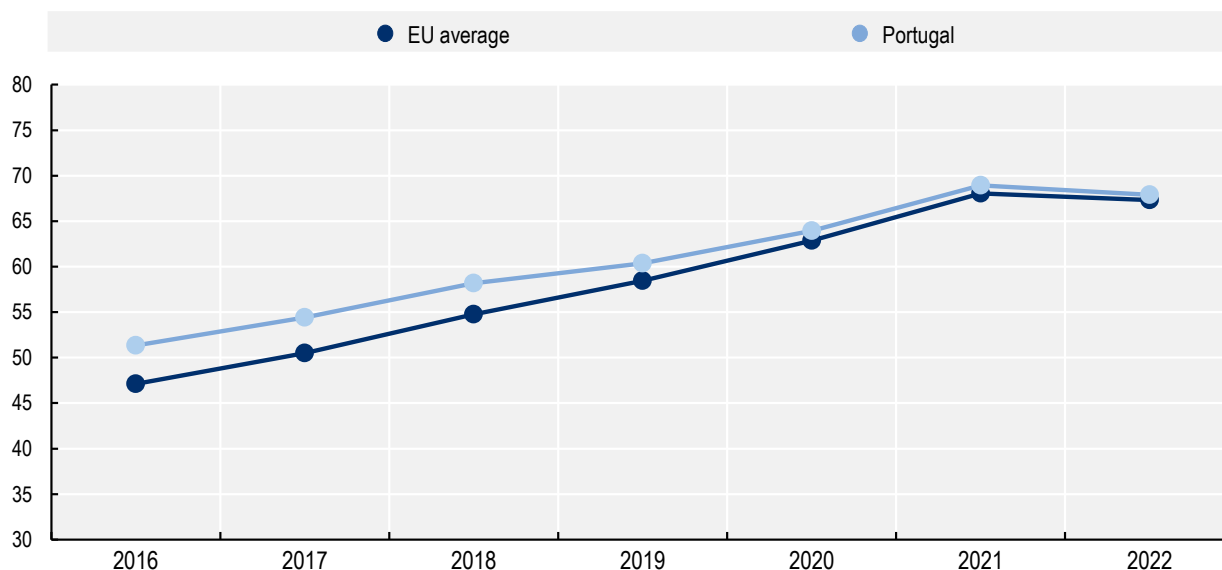
3.5.1. Digital transformation of the public sector for a new generation of people-centred services

Portugal continues to adopt and deepen relevant measures for the digital transformation of the public sector and is a leader in the digitalisation of public services. For example, an open Internet is protected in law. As an EU member, Portugal is bound by Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015, which establishes common rules to safeguard equal and non-discriminatory treatment of traffic in the provision of Internet access services and related end users' rights. Decree-Law No. 83/2018 (Government of Portugal, 2018^[89]) transposes to domestic law Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies. Article 2 lists the entities that the decree-law

applies to, which include the state, autonomous regions, local authorities and public institutions (Law Library of Congress, 2021^[2]).

The country ranks 15th out of the 27 EU countries that are part of the 2022 edition of the Digital Economy and Society Index (European Commission, 2022^[90]). As Figure 3.7 illustrates, Portugal has consistently improved the overall performance of its digital public services (14 out of 27), ranking above the EU average in regard to their outcomes for citizens (score of 84) and businesses (score of 86) alike. With a score of 0.58 (above the OECD average of 0.50), Portugal also ranks among the top 10 countries in the 2019 OECD Digital Government Index²³ (OECD, 2020^[91]). This has been consistent with the adoption of national digital government strategies and initiatives that have progressively aimed at promoting a “user-driven” perspective,²⁴ in line with the provisions of the OECD *Recommendation on Digital Government Strategies* (Chapter 2) (OECD, 2014^[92]).

Figure 3.7. Digital public services in Portugal and the EU, 2016-2022



Notes: “Digital public services” indicator as part of the Digital Economy and Society Index components. The above represents weighted scores from 0-100.

Source: European Commission (2022^[90]), Portugal in the Digital Economy and Society Index (DESI), <https://digital-strategy.ec.europa.eu/en/policies/desi-portugal>.

Progress to date has stemmed from a series of reforms related to the digital transformation of the public sector. Notably, the government kickstarted profound transformations through the ICT Strategy 2020 to provide better public services by focusing on digital inclusion, while using technologies as a catalyst for administrative modernisation (Government of Portugal, 2020^[93]; CAF, 2021^[94]). Driven by the centre of government, the strategy implemented over 700 projects to improve public services, which produced benefits for the public sector, businesses and citizens valued at approximately EUR 721 million (Government of Portugal, 2021^[95]). Building on these achievements, the government recently adopted the Strategy for the Digital Transformation of Public Administration (2021-2026) and its related action plan (2021-2023) following Resolution of the Council of Ministers No. 131/2021 of 9 September (Government of Portugal, 2021^[96]). The new strategy is seeking to revamp digital public services, improve web accessibility, foster open data sharing and interoperability, as well as strengthen related architectures, ICT skills, security and trust. It also responds to the national Resilience and Recovery Plan (RRP) that is set to dedicate EUR 3.7 billion to digital transformation (approximately 2% of gross domestic product in 2020) (OECD, 2021^[97]). This whole-of-government transformation has been placed high on the reform agenda, namely as a cross-sector priority led by the Ministry of State, Economy and Digital Transformation until 2022, and

by the Secretary of State for Digitalisation and Administrative Modernisation since then, co-ordinated through the “Portugal Digital” task force²⁵ (CAF, 2021_[94]).

Efforts in this regard have at the same time supported a move towards a data-driven public sector. The Portuguese government has a robust open government data (OGD) governance framework, led and co-ordinated by AMA within the Secretary of State for Digitalisation and Administrative Modernisation, under the Prime Minister. A key factor has been the financial autonomy of AMA which protects OGD funding from the influence of political cycles (OECD, 2019_[98]). Strong commitments towards promoting transparency and stakeholder participation through the use and reuse of OGD have also been elaborated in the framework of the Portugal’s OGP National Action Plans. Among its main achievements, the government launched an open data portal ([dados.gov](https://dados.gov.pt)), where users can directly publish and reuse public data sets. Nevertheless, efforts to sustain and scale impact in this regard will be crucial, as Portugal currently ranks 23rd out of 34 countries on the 2019 OURData Index, with an overall score of 0.51, below the OECD average of 0.60 (OECD, 2019_[98]). In the EU’s Open Data Maturity assessment 2022, Portugal is ranked 20th among 35 European countries surveyed, moving up ten places since the previous assessment in 2020, and currently scoring slightly higher than the EU average (European Commission, 2020_[99]; European Commission, 2022_[100]).

Portugal has been pioneering innovative efforts to modernise the delivery of public services grounded in a strong people-centred approach. Notably, the flagship SIMPLEX programme has sought to combine digitalisation with the administrative simplification of public processes and procedures to bridge the growing divide between public institutions and citizens. In doing so, the programme is based on a bottom-up approach that encourages the participation of both citizens and companies in the redesign of public services so that they respond to their needs in a more satisfactory manner (OECD, 2021_[97]). Increasing interoperability has been a priority in SIMPLEX to overcome data silos across institutions (CAF, 2021_[94]). In particular, Portugal is undertaking efforts to implement the “only-once” principle, so users are not required to provide the same information across different public procedures. LabX, as the centre of innovation for the Portuguese public sector, has moreover led a portfolio of initiatives focused on transforming public services, facilitating administrative simplification and enabling the participation of stakeholders in this process through the Programa Transformar.²⁶

Citizens can access a wide range of public services through a robust online and off line delivery architecture developed by the Portuguese administration. The [ePortugal.gov](https://ePortugal.gov.pt) portal launched in 2019 serves as an entry point for citizens and businesses to access online public services. It has various features to facilitate online interactions with the state, including services organised under life events, a directory of public websites, a map for onsite service provision, a complaints mechanism, and sites to access personalised information on medical and fiscal services. These functionalities have benefited from the introduction of the Digital Mobile Key (Section 5.4.1 in Chapter 5) that enables the online authentication and e-signature of users to several public and private services (OECD, 2021_[97]). As of 2020, the platform had registered 9.75 million accesses, 2 400 services and 250 000 registered users (CAF, 2021_[94]). In addition, local onsite service desks called Citizen Shops and Citizen Spots provide access to over 200 public services (Box 3.6). In addition, the government launched the Solidarity Citizen Spot in 2017 which aims to meet requests for public services from people who have difficulty moving around (Government of Portugal, 2017_[101]).

Box 3.6. Public service channels in Portugal

ePortugal

The national single digital gateway, [ePortugal.gov](https://www.eportugal.gov.pt), is the focal point for access to information and public services. The website falls under the responsibility of AMA and is continuously responding to the needs of users to ensure services are as intuitive and inclusive as possible. This includes the development of Sigma, a virtual assistant (chatbot) that can carry out services such as changing a citizen's address.

Citizen and Business Contact Centres

Portugal has dedicated contact centres for both citizens and businesses that can be reached either by telephone or via a series of web-based contact forms on [ePortugal.gov](https://www.eportugal.gov.pt).

Citizen Map

The Citizen Map is available through a web browser or its own dedicated mobile apps, and catalogues over 5 000 locations relating to public services and includes information about opening hours as well as real-time waiting times thereby simplifying the user experience when blending the digital and the physical.

Citizen Shops

At 68 dedicated locations around the country, Citizen Shops place multiple public and private entities in the same space to make it easier to address needs that cover multiple organisations as well as providing benefits in economies of scale and scope to the public sector. The first Citizen Shop opened in 1999 and the concept is highly valued by citizens, registering satisfaction with the quality of support highlighting the kindness and professionalism of the workers.

Citizen Spots

The most commonly available physical location in Portugal, over 800 Citizen Spots provide a physical counter that combines digital services from different public institutions (or public interest entities, such as utilities) in a single helpdesk. The critical difference is the assistance of a trained mediator and a dual-screen system that allows citizens to follow the steps being taken by the mediator, in a completely transparent way and to build their own confidence in completing the task themselves next time.

Business Spots

32 Business Spots support entrepreneurs in learning about creating a business, carrying out company registration or seeking information on relevant legislation, among others.

Sector-specific channels

Different sectors and organisations maintain their own websites and in-person service channels. There are over 3 000 in-person locations in Portugal. 763 offer employment services, 339 focus on tax and finances, 295 provide support for social security and pensions, 45 are dedicated to mobility and transport, and 33 handle working conditions. There are also 609 courthouses and 407 Registry offices.

Serviços Públicos on Vodafone TV

This app enables users to activate the Digital Mobile Key (Chave Móvel Digital, CMD) as well as renew Citizen Cards, change their address, and schedule medical consultations.

Sources: AMA (n.d.^[102]), Service, <https://www.ama.gov.pt/web/agencia-para-a-modernizacao-administrativa/atendimento>; ePortugal (ePortugal, n.d.^[103]), Locations for public services – addresses and hours, <https://eportugal.gov.pt/locais-de-atendimento-de-servicos-publicos>.

Notably, the Guiding Principles acknowledge the importance of strengthening a digital and data-driven public sector to “ensure interoperability, improve the quality of services and simplify procedures” while expanding access through omni-channel means and providing online tools that enable the participation of stakeholders in this process (Government of Portugal, 2021^[104]). In particular, Principle 5 calls for guaranteeing the privacy and protection of citizens’ data as digital services become interoperable across institutions under the “only-once” principle. These commitments support the Lisbon Declaration – Digital Democracy with a Purpose, launched during the Portuguese Presidency of the Council of the European Union in June 2021 (Box 3.7), as part of a broader movement leading up to the European Declaration on Digital Rights and Principles for the Digital Decade (European Union, 2023^[105]). In addition, Portugal adopted the Ibero-American Charter of Principles and Rights in Digital Environments (Secretary-General Ibero-America, 2023^[106]) in March 2023.

Box 3.7. The Lisbon Declaration: Digital Democracy with a Purpose

The “Lisbon Declaration – Digital Democracy with a Purpose” defines a new paradigm of digital transition by placing human rights, fundamental freedoms, the rule of law and democratic principles at the centre. The principles therein respond to the commitments in the “2030 Digital Compass: The European Way for the Digital Decade”. Notably, they seek to harness the opportunities presented by new technologies to protect and promote a human rights-based approach, strengthen a digital democracy with a purpose, and foster a green transition through the following principles:

- “Respecting democratic principles and human rights, with the principle of non-discrimination at the centre [...] including freedom of expression and opinion, access to information, privacy and access to effective justice”.
- “Fostering a digital ecosystem that is human-centric, inclusive, privacy-preserving, transparent, secure, resilient, interoperable, competitive, trustworthy and responsible, as a precondition to enable citizens, businesses and governments to reap the economic and social benefits of digitalisation”.
- “Upholding the ‘European Way of doing Business’ in terms of the protection of personal data and privacy, the development of an empowering, trusted and secure digital identity and protection against misinformation, disinformation and malicious cyber activities”.
- “Enhancing the trust of individuals [...] to stimulate their involvement in a fair, sustainable, inclusive, democratic and competitive digital transformation”.
- “Ensuring equal access to and use of free, open, stable interoperable and secure digital technologies and Internet while combating discrimination of any kind and to not restrict, moderate, or manipulate online content, disrupt networks to deny users access to information, or employ Internet censorship technologies”.
- “Supporting media literacy to develop critical thinking in view of a wide choice of information and content and as a key element of active citizenship and an effective fight against disinformation”.
- “Leveraging the potential of technology and digital trade while preserving and building on human rights, democratic principles and the rule of law and addressing opportunities as well as risks associated with digitalisation, and promote international cooperation”.
- “Boosting investments in research and development, innovation, and digital infrastructure, ensuring sustainable, resilient, green and competitive digital technologies at the forefront of future economic growth, while taking into account the need to address regional connectivity inequalities”.

- “Promoting digitally-enabled open and free participation in policymaking and inclusive co-creation of digital public services with citizens and other stakeholders, as well as ethical, proactive, and sustainable behaviour in business activities and proactive digital corporate environmental and social responsibility as well as encourage trustworthy values-based digitalisation through soft law solutions”.

Source: Government of Portugal (2021_[107]), Digital Democracy with a Purpose. Lisbon Declaration, <https://www.lisbondeclaration.eu/learn-more/>.

The aforementioned efforts to protect digital rights will benefit from being further articulated in Portugal’s open government agenda. As part of the country’s second OGP National Action Plan (2021-2023), Commitment 3 seeks to develop inclusive channels for accessing public services. In doing so, it aims to increase the availability of telephone solutions, videoconferencing, chatbots and other digital inclusion tools for groups with a high propensity to exclusion, including citizens with hearing, visual and physical impairments as well as migrants (Government of Portugal, 2021_[108]). The plan also outlines concrete measures to strengthen existing online government platforms²⁷ (Commitments 1 and 5), support autonomous virtual assistance solutions (Commitment 2) and develop technical assistance material to address data sharing and cybersecurity issues (Commitments 4 and 6), which ultimately will be fundamental for digital services to deliver results for all segments of society. This strong focus on digital rights in the open government agenda, together with AMA’s recent institutional anchorage under the Prime Minister, present a significant opportunity to harness political support from the highest levels to ensure an articulated whole-of-government approach for more relevant, inclusive and accessible public services.

3.5.2. Addressing data privacy and digital security concerns to increase trust in government digital services

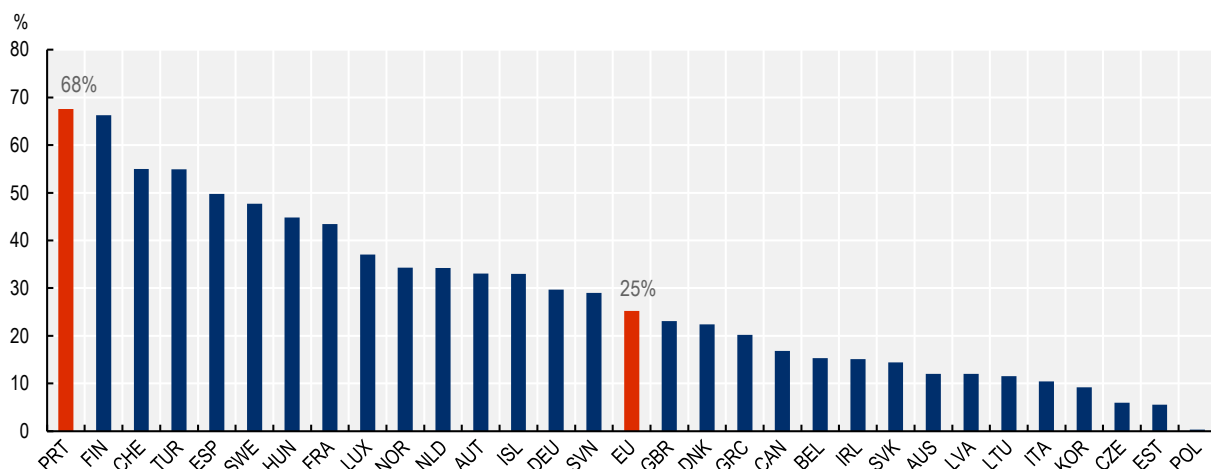
At the core of a fair, inclusive and open digital civic space is the protection of privacy and personal data. While rapid technological advancements have created more possibilities for governments to provide higher quality services, notably by automatising the handling of large volumes of data, they have also introduced various risks in terms of an individual’s privacy, cybersecurity attacks and growing instances of surveillance. Together, these challenges have contributed to low trust in digital technologies across OECD Members and partner countries and are a barrier to the uptake of online public services (OECD, 2021_[97]). Notably, fear of cybersecurity risks – such as phishing, denial of service and ransomware attacks – can keep citizens from reaping the benefits of the digital economy (OECD, 2021_[97]; 2021_[109]). Privacy and data protection are thus key building blocks to promoting access to public services while supporting the right conditions for a protected civic space to thrive, in particular by enabling freedoms of expression, assembly and association; press freedom and autonomy; equal participation in public debate and decision making; as well as the enabling environment for civil society (OECD, 2022_[73]).

The protection of personal data used in connection with information technology is a fundamental right guaranteed by Article 35 of the Constitution of 1976. However, Portugal did not adopt its first law until 1991: Law No. 10/91 (Assembly of the Republic of Portugal, 1991_[110]), regulating the use and control of personal data and creating a regulatory agency on the subject. In 1995, the EU issued Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Data Protection Directive). During Portugal’s Constitutional Review of 1997, Article 35 of the Constitution was amended to enable an adequate transposition of Directive 95/46/EC into Portugal’s Constitutional Charter. Subsequently, Law No. 67/98 (Assembly of the Republic of Portugal, 1998_[111]), was enacted as the new law on the protection of personal data, which transposed Directive 95/46/EC into Portugal’s domestic legislation and revoked Law No. 10/91.

As part of ongoing efforts towards enabling a data-driven public sector, Portugal has taken important steps to protect personal data in the framework of the GDPR. To guarantee this constitutional right, Law No. 58/2019 was adopted in 2019 for the implementation of GDPR directives and to outline various obligations for the protection of personal information in Portugal. Additional data protection regulation is included in certain sector-specific laws, including those on genetic and health information (Law No. 12/2005 (Assembly of the Republic of Portugal, 2005^[112])) and electronic communications (Law No. 41/2004 (Assembly of the Republic of Portugal, 2004^[113])). The execution of these regulatory frameworks is monitored by the National Data Protection Authority (Comissão Nacional de Protecção de Dados) as its main independent oversight body. As part of its ongoing work, online courses have been delivered to over 40 000 citizens and public officials to raise awareness of existing data privacy regulation and its enforcement (NAU, 2021^[114]; OECD, 2021^[97]). In the SIMPLEX 2020-2021 framework, the former Ministry for Modernization of the State and Public Administration also gradually rolled out the My Data (Meus Dados) initiative, which allows citizens to monitor and validate how their personal data are used and contained in the public administration's records (Government of Portugal, n.d.^[115]).

These efforts have taken place alongside the gradual consolidation of a robust digital security policy in Portugal. Notably, the National Cyber Space Strategy (2019-2023), led by the National Security Cabinet²⁸ (Gabinete Nacional de Segurança), underpins the government's commitments to secure a free and reliable cyberspace in line with Law No. 46/2018 (CNCS, 2019^[116]; Assembly of the Republic of Portugal, 2018^[117]). The National Cybersecurity Centre has led these reforms to promote the continuous improvement of national cybersecurity policy, facilitating international co-operation, and ensuring the implementation of measures and instruments to anticipate and address cybersecurity risks. As part of its flagship measures, it sought the creation of the Observatory for Cybersecurity (Observatório de Cibersegurança), which facilitates the deployment of awareness-raising efforts, capacity building, research as well as advice in response to cybersecurity incidents. A recent example is the C-Academy, operational since late 2022, providing advanced cybersecurity training for professionals in the public administration as well as private sector providers of digital services. It offers 44 courses in both online, face-to-face and hybrid formats in educational institutions across the country (Government of Portugal, 2023^[118]). While these measures have contributed to Portugal gaining 28 positions in the Global Cybersecurity Index, from 42nd in 2018 to 14th in 2020, there is still a need to strengthen measures at the strategic and organisational level through greater awareness raising and training on cybersecurity for public servants and citizens (ITU, 2020^[119]).

Despite these achievements, perceptions of low digital security and data protection in Portugal are contributing to the limited uptake of both online and off line public services. In 2018, for example, 26% of citizens submitting official forms to the government chose not to do so online due to data security and privacy concerns (OECD, 2021^[97]). As Figure 3.8 illustrates, findings from Eurostat also reveal that 68% of the Portuguese population was unwilling to make online purchases in 2017 due to payment security and privacy concerns, which was the highest level of distrust in digital technologies among EU countries (OECD, 2021^[97]). Overall, this is consistent with findings from OECD interviews,²⁹ where government and CSO stakeholders alike underlined that recent data privacy, surveillance and cybersecurity incidents have contributed to growing scepticism regarding the use of online technologies to interact with the state.

Figure 3.8. Trust in digital technologies

Note: data from 2017 or latest year available.

Source: OECD (2021^[97]), *OECD Economic Surveys: Portugal 2021*, <https://doi.org/10.1787/13b842d6-en>.

Notably, the increasing management of large volumes of data through AI, big data analytics and third-party data storage systems by multiple public institutions for service delivery is heightening privacy and personal data protection concerns. Indeed, public services in Portugal increasingly rely on the interoperability of data among various institutions. For example, the review and allocation of family allowances rely on data drawn on an individual's income (tax authority) or a birth certificate (Ministry of Health). While interoperability has progressively become the norm, findings from OECD interviews³⁰ reveal that despite the strong implementation capacity of GDPR norms, how personal information is handled, by which institutions and when is not clear for citizens requesting a particular service. In addition, non-binding opinions by the National Data Protection Authority have been coupled with a conservative approach towards sanctioning due to the absence of practical guidelines on the protection of personal data and its broader management by line ministries (OneTrust, 2021^[120]). These issues have been compounded by the use of data protection legislation to curtail access to information in Portugal (discussed below). In this regard, the government would benefit from stepping up existing efforts in terms of capacity building for civil servants to implement GDPR directives, as well as creating data protocols to promote the systematic collection, management, use and sharing of information across institutions. Promoting a conducive data ecosystem for public services to effectively operate will be all the more important as the government moves towards complying with the “only-once” principle as part of regional EU directives.

To seize the opportunities of and ensure that everyone benefits from the digital transformation, the government of Portugal will also need to address growing concerns regarding digital surveillance. As in other OECD Members, Portugal has seen the emerging use of digital technologies for surveillance in the form of increased data sharing between public and private institutions, the use of biometric data and video surveillance. Members of civil society and activists in this field have called on the government to review the new proposed Video Surveillance and Facial Recognition Law which would introduce potential instances of biometric mass surveillance (EDRi, 2021^[121]). During OECD interviews,³¹ stakeholders also underlined that there were very limited opportunities to provide feedback on this law, and cybersecurity remains one of the policy fields where participation is not open to all groups in society. As the government explores potential avenues to integrate the use of biometric data in public services, such as the Digital Mobile Key, there is an opportunity to engage with CSOs and other relevant actors to introduce safeguards against breaches of privacy and instances of surveillance curtailing civic freedoms and rights.

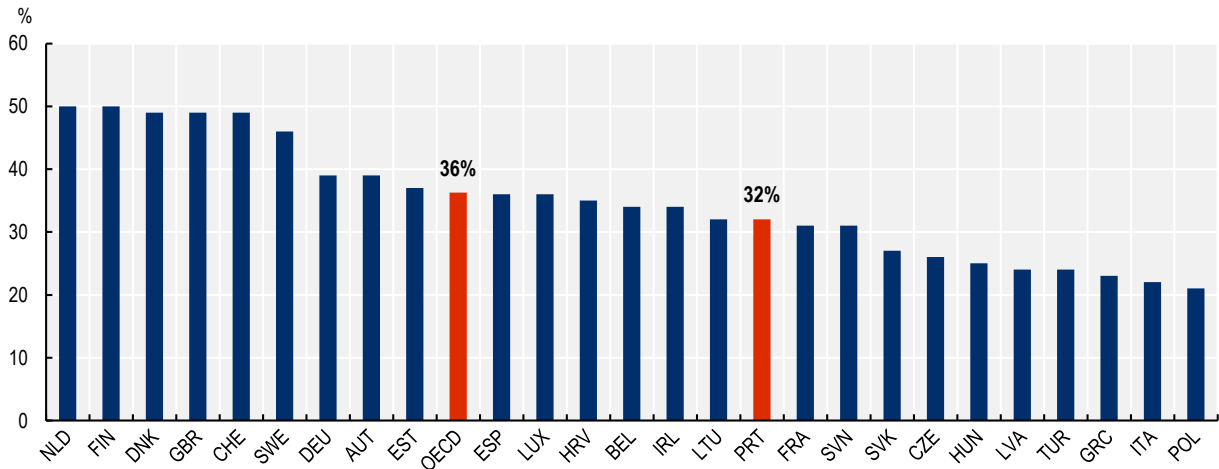
Building on efforts to date, the government of Portugal will benefit from strengthening proactive and reactive digital security measures. Since the onset of the COVID-19 pandemic, the number of cybercrimes has exponentially increased in Portugal and other OECD Members as malicious actors have taken advantage of the increase in online activity (OECD, 2021^[97]; 2020^[122]). Notably, the National Cybersecurity Centre reported a 79% increase in cyberattacks in 2020 and the country is currently the 31st most affected by these types of attacks globally (CNCS, 2021^[123]).

3.5.3. Bridging digital divides for more relevant, inclusive and accessible public services

Digital inclusion has remained a high priority for the Portuguese government to enable all segments of society to thrive in a fast-paced and evolving digital era. This has been especially true as digital services took a central role from the onset of the COVID-19 pandemic with the rapid transition of social, political and economic activity to the online sphere. Notably, the INCoDe Programme launched in 2017 and updated in 2021 has sought to enhance digital development through a series of integrated policies within the scope of the XXII and XXIII Government Programmes and in line with the national digital transformation strategies. Through its new operating model set by Resolution of the Council of Ministers No. 59/2021 of 14 May, (Government of Portugal, 2021^[124]) and according to the Regime of Organization and Functioning of the XXIII Constitutional Government, this agenda is led by the Prime Minister, through the Secretary of State for Digitalisation and Administrative Modernisation, and in co-ordination with the Ministry of Science, Technology and Higher Education, the Ministry of Education and the Ministry of Labour, Solidarity and Social Security. The programme aims to promote digital inclusion and literacy across all generations and to promote the specialisation of digital skills among the workforce of the future and innovations in the use of technologies to address the country's emerging challenges (Government of Portugal, 2017^[125]). Through the Observatory of Digital Competencies, it has undertaken various initiatives in the form of trainings, education programmes, research to inform policymaking and the creation of communities to address inclusion issues (i.e. for elder citizens) (Government of Portugal, 2019^[126]). The programme achieved key results as of 2020, namely reaching over 1 000 beneficiaries in terms of inclusion activities, delivering 19 trainings to over 10 133 individuals for enhancing digital competencies, and channeling EUR 3.5 million in international funding for research on data science and AI, among others (CAF, 2021^[94]).

Despite these efforts, a large share of the Portuguese population is still not sufficiently well-equipped to take part in today's digital society. As Figure 3.9 illustrates, the total share of individuals with general digital skills (basic or above basic) is slightly below the OECD average, with large discrepancies between the elderly (13%) and young people (65%) (OECD, 2021^[97]). The EU's Digital Economy and Society Index (DESI) assessment of Portugal also identifies that there is scope for improvement, as 55% of the population has at least basic digital skills and 29% has above basic digital skills, scoring slightly above the EU average of 36% (European Commission, 2022^[90]). Where present, the lack of skills has been exacerbated by low educational attainment levels that continue to lag vis-à-vis international benchmarks. For example, differences in digital skills³² are particularly pronounced among individuals with a low (26%), medium (69%) and high (90%) degree of educational attainment (Eurostat, 2021^[127]).

Figure 3.9. Levels of digital skills



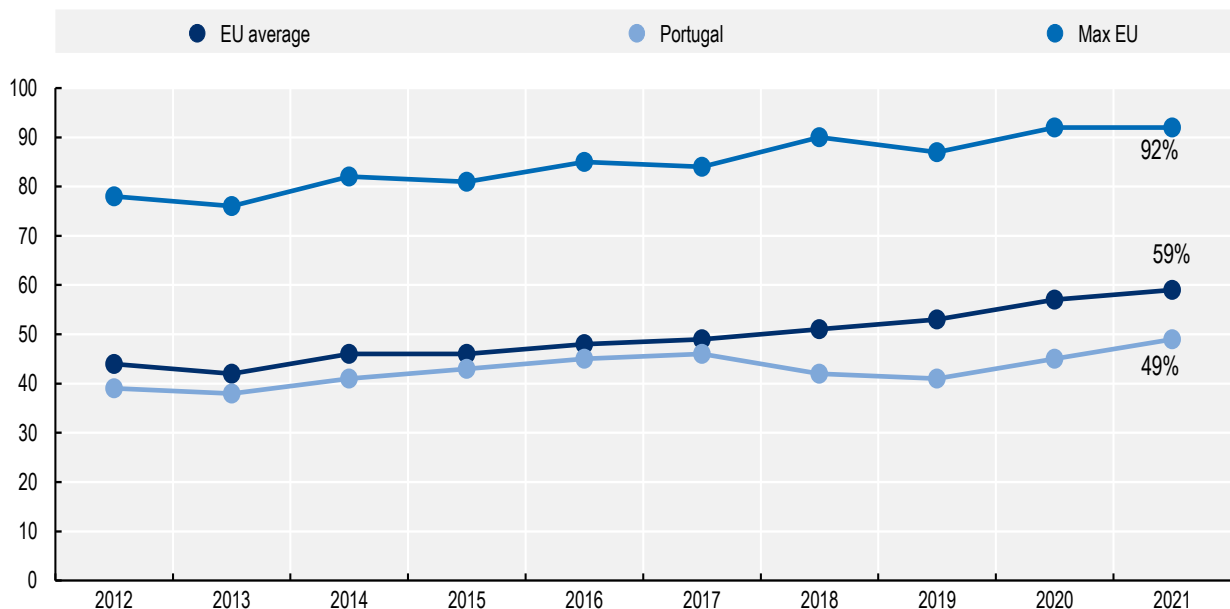
Note: Eurostat Indicator: Individuals with basic or above basic digital skills.

Source: Eurostat (2021_[127]), Individuals' level of digital skills,

https://ec.europa.eu/eurostat/databrowser/view/isoc_sk_dskl_i21/default/table?lang=en.

The resulting digital divides that persist in Portugal continue to present barriers for different groups to access online public services. Approximately one out of five individuals in Portugal does not have access to the Internet and its usage rate in the last 12 months (82%) remained below the OECD average (88%) (OECD, 2021_[97]). Data from Eurostat reveal that only 49% of the total population used online public services in 2021 (Figure 3.10). Low levels of online take-up are consistent with findings from OECD interviews,³³ where both government and civil society stakeholders underlined that digital divides are exacerbating inequalities in terms of age, income and geographic location.

Figure 3.10. Online interaction with public authorities, 2012-21



Note: Eurostat indicator: Individuals using the internet for interaction with public authorities.

Source: Eurostat (2021_[128]), E-government activities of individuals via websites,

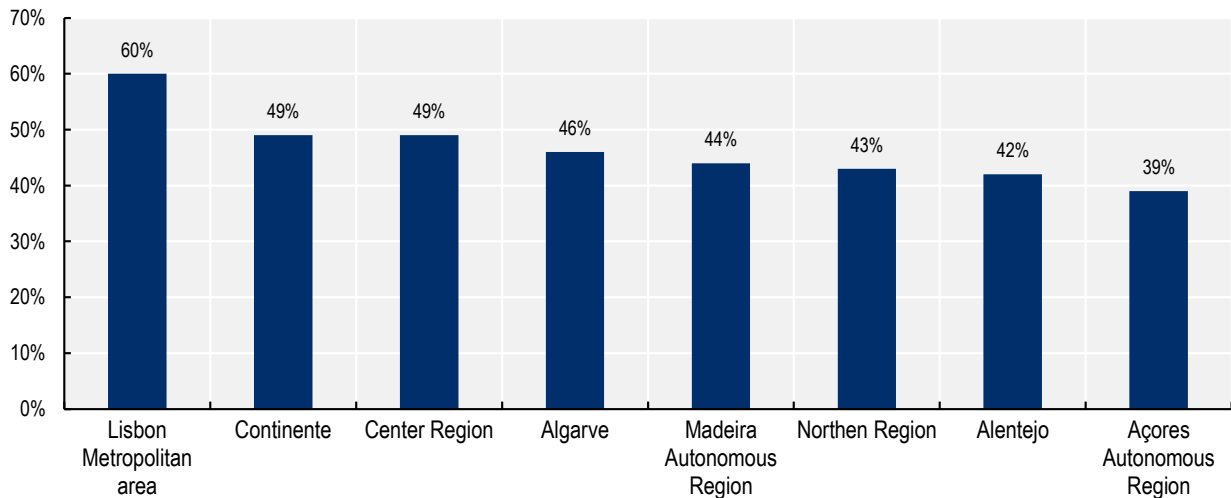
https://ec.europa.eu/eurostat/databrowser/view/ISOC_CIEGI_AC/default/table?lang=en.

Indeed, older segments of the population (aged 65-74) have faced increasing instances of exclusion as a result of the rapid digitalisation of public services. Low uptake from this group has been a prevalent issue not only in Portugal, but across numerous OECD Members, with only 38% of EU citizens aged 65-74 using the Internet to interact with public authorities in 2021 and only one-fifth of the elderly population in Portugal (Eurostat, 2021_[129]). OECD interviews³⁴ with government and civil society stakeholders indicate that elderly people are the most common users of onsite service kiosks seeking assistance to comply with or access a particular public procedure (i.e. submit income tax statements, book a medical appointment, etc.), while enduring long waiting times, burdensome and unclear processes, and long travelling distances for face-to-face services offered only in the capital. The persisting exclusion of and burdens for this group are particularly problematic given that a high share of the total population is over the age of 65 (182 older adults per 100 young people), introducing a high old-age dependency ratio³⁵ (35.48%) (Statistics Portugal, 2021_[130]). Against this backdrop, the elderly population has been one of the main target audiences of the INCoDe Programme, notably through specialised training (Programa Literacia Digital 50+) and the creation of communities with local Mercies to promote digital skills and provide support in accessing online interfaces (Government of Portugal, n.d._[131]). The government could therefore scale efforts in this regard to expand support to this group and identify measures to simplify existing platforms and services according to their needs, habits and limitations.

Moreover, digital divides in Portugal have also inhibited the access and usability of online services according to an individual's socio-economic background. While the country has made great strides in reducing poverty levels, inequality rates are still above the EU average, with significant variances across municipalities and between rural and urban communities where infrastructure is unavailable or services are costly (Government of Portugal, 2019_[132]; Eurostat, 2021_[133]). Disparities according to socio-economic background are the second largest among OECD Members, with 94% of the high-income percentile of the total population having used the Internet in 2019 compared to only 50% of the low-income percentile (OECD, 2021_[97]). Stakeholders during OECD interviews with civil society³⁶ underlined that low-income households lack the equipment (i.e. computers, Internet, etc.) to access online services, which is compounded by low levels of digital literacy. It was also emphasised that this affected the ability of young people to continue their studies online after the COVID-19 pandemic erupted, in particular for marginalised communities such as Roma.

With pronounced income disparities at the local level, access to online public services has also remained uneven across regions. Notably, broadband penetration rates ranged from 89% in the Lisbon metropolitan region to 77% in Alentejo in 2020, which are comparatively large differences by OECD standards (OECD, 2021_[97]). This is consistent with data from Eurostat (2021_[134]), which reveal uneven use of the Internet to engage with the public administration across Portuguese regions, with a stark difference of 21 percentage points between the highest and lowest rates (Figure 3.11). While Citizen Shops and Citizen Spots have been crucial to bridging this gap through the delivery of onsite services at the local level, their availability is not evenly distributed. In particular, it was noted during OECD interviews³⁷ that despite the introduction in 2021 of 25% more locations and mobile units, there is still a need to focus on their expansion in the centre and the south of the country. In terms of support provided therein, stakeholders during these interviews also noted long wait times, uneven delivery across municipalities and access barriers placing certain disadvantaged communities at risk of abuse or exclusion. As the government continues to expand its offer of Citizen Shops, Citizen Spots and mobile units, it could consider co-ordinating closely with local governments to drive and tailor service delivery according to the needs of each context. This work would also benefit from identifying and collaborating with community leaders, influencers and other trusted voices to expand the reach of existing onsite support for service delivery to different groups, in particular in vulnerable segments of the population.

Figure 3.11. Disparities in Internet use to interact with public authorities across regions in Portugal, 2021



Note: Eurostat indicator: Individuals who used the Internet for interaction with public authorities, Portugal (Regional ICT statistics).

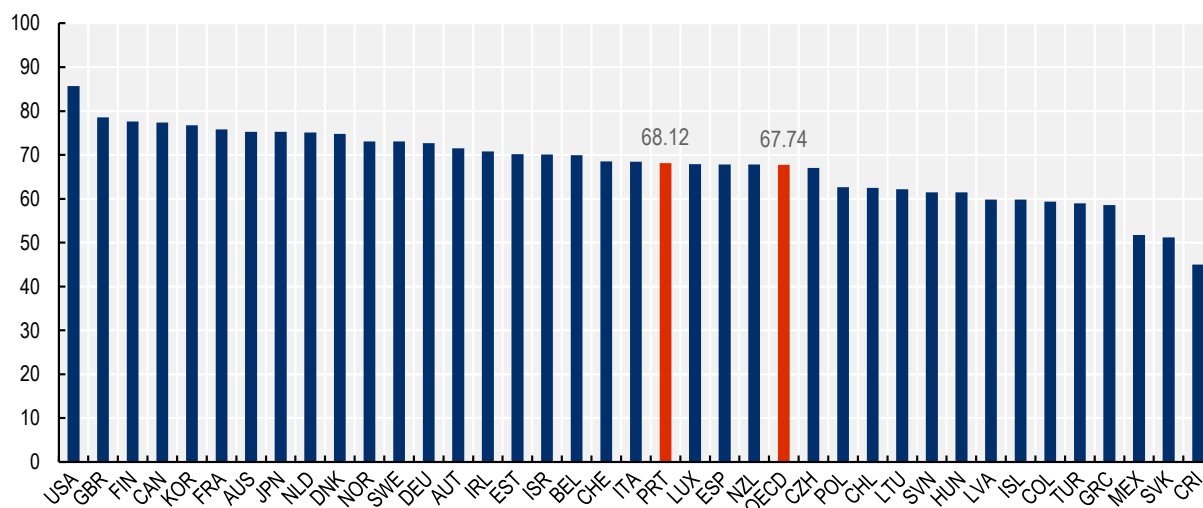
Source: Eurostat (2021^[134]), Individuals who used the internet for interaction with public authorities, Portugal, https://ec.europa.eu/eurostat/databrowser/view/ISOC_R_GOV_/default/table?lang=en&category=isoc.isoc_i.isoc_reg.

The low uptake of digital public services not only reflects a lack of digital skills, but broader accessibility issues with online delivery channels. AMA, together with the National Institute of Rehabilitation (Instituto Nacional de Reabilitação), has sought to progressively ensure that online public services across institutions are easy to use by vulnerable groups through the usability seal. This feature categorises the degree of compliance and simplification by bronze, silver and gold (INR, n.d.^[135]). In line with OECD interviews,³⁸ findings reveal that institutional websites have been gradually adapted to meet regional accessibility standards, but still lack facilities for individuals with hearing, visual and physical impairments as well as for foreign residents. For example, most institutional websites are only in Portuguese, which presents difficulties for migrants to access key information and to interact with the state. The government acknowledged these issues as a priority action point in its 2nd OGP National Action Plan, which could be a powerful instrument to scale current efforts to make online service portals more accessible to foreign and disabled groups as per the Guiding Principles.

3.5.4. Promoting ethical and people-centred use of technologies in the delivery of public services

The government of Portugal recognised the need to keep abreast of technological trends and leverage their potential in driving innovation, including within the public sector, in the AI Portugal 2030 strategy from 2019. Through the provisions therein, it is seeking to modernise an administration that can face the challenges of the 21st century by “making OGD open for all sectors, fostering collaboration between public entities for AI, promoting innovative solutions for administrative simplification, reinforcing capabilities and ensuring the ethical use of AI” (Government of Portugal, 2019^[136]). At present, Portugal ranks 25th out of 181 countries in the Government AI Readiness Index, just above the OECD average (Figure 3.12).

Figure 3.12. Government AI Readiness Index, 2022



Source: Oxford Insights (2022^[137]), Government AI Readiness Index 2022,

https://static1.squarespace.com/static/58b2e92c1e5b6c828058484e/t/61ead0752e7529590e98d35f/1642778757117/Government_AI_Readiness_21.pdf.

With digital transformation at the core of ongoing reforms in Portugal, algorithms and other artificial intelligence technologies have been increasingly used to automate and improve the quality of public services. Notably, the INCoDe Programme has supported research and channelled international funding for initiatives integrating the use of big data, AI and other tools in the work of the government (Government of Portugal, 2017^[125]). A smart online assistant called Sigma, for example, was created to help citizens navigate the offering of online services on ePortugal.gov (CAF, 2021^[94]). Algorithms are increasingly being used to calculate the share of social benefits to be allocated to a particular individual. In this respect, their potential to proactively identify beneficiaries and automatically communicate this information is also being explored. While the government of Portugal has achieved key progress in gradually integrating these technologies for the delivery of public services, it is crucial for it to also reflect on the potential risks introduced by these tools in terms of discrimination against under-represented groups, in addition to considering data privacy concerns.

In this regard, there is room to strengthen responsible use of artificial intelligence in the public sector by increasing transparency of algorithms used by government entities. Greater algorithmic transparency can be pursued by making the criteria used to automate decisions and treat personal data publicly available in a clear, up-to-date and accessible manner. In line with the OECD Principles on AI of 2019, transparency and proactive disclosure around these systems are fundamental to ensure that citizens understand automated outcomes as well as to enable their ability to challenge them (OECD, 2019^[138]). During OECD interviews³⁹, stakeholders reported that it is difficult to understand how decisions are made on social benefits via algorithmic processing, as there is limited information available on relevant allocation criteria. Compounded by complex complaints systems, the lack of transparency in this process was underlined as a key challenge inhibiting the ability of citizens to inquire or contest a decision in the delivery of social benefits. The Government of Portugal could therefore reflect on producing dedicated guidance, such as the Algorithmic Transparency Standard in the United Kingdom that provides whole-of-government safeguards to uphold this principle in practice (Box 3.8).

Box 3.8. The Algorithmic Transparency Standard in the United Kingdom

Algorithmic transparency means being open about how algorithmic tools support public decision making processes, including concerning services. In the United Kingdom, the Algorithmic Transparency Standard seeks to support public institutions in providing clear information about the purpose and use of algorithmic tools in their work. On the one hand, it provides directives on standardised methods to collect information about how the government uses algorithmic tools. On the other hand, it provides a template to facilitate the sharing of information about the algorithmic tools used, including their objective, the entity responsible for their oversight and the scope of their impact on a particular service of decision.

A key feature of the standard was its co-creation with citizens, external experts and civil society to ensure the relevance of its content. These resources were also informed by a public engagement study run by the Centre for Data Ethics and Innovation and Britain Thinks.

Source: Author's elaboration based on Government of the United Kingdom (n.d.^[139]), Algorithmic Transparency Recording Standard Hub, <https://www.gov.uk/government/collections/algorithmic-transparency-standard#:~:text=The%20Algorithmic%20Transparency%20Standard%20is,making%20in%20the%20public%20sector>.

While Portugal has a robust institutional infrastructure for data protection to implement the GDPR, the automation of data collection, management and sharing across multiple public institutions charged with delivering a particular service also introduces an additional layer of data privacy risks (Section 3.5.2). In fact, 80% of OECD Members have identified AI and big data analytics as the biggest challenges to privacy and personal data protection (OECD, 2020^[122]). The algorithmic processing of vast amounts of information in real time generates new data by merging different pieces of data shared by multiple public entities, which raises concerns in regard to consent, transparency and personal autonomy for its use and reuse (OECD, 2022^[73]). In this regard, Law No. 59/2019 (Assembly of the Republic of Portugal, 2019^[140]) transposing GDPR directives in Portugal limits individual decisions taken solely by automated processing of data (Article 11). However, there are no clear standards or criteria to guide automated decisions across the data processing cycle and language in the law remains vague in line with broader criticisms of the GDPR (Wachter, Mittelstadt and Floridi, 2016^[141]; Law Library of Congress, 2021^[2]). In line with the Guiding Principles, the government could consider developing dedicated technical guidance and delivering tailored capacity-building trainings to service providers charged with dealing with public data sets to ensure a coordinated approach.

With the growing automation of public services, the government of Portugal would also benefit from introducing safeguards to address potential instances of bias and discrimination in algorithms directing their functioning. Indeed, there is growing evidence that AI systems have a high propensity to transfer human biases from the analogue to the digital sphere, in particular for groups such as women; ethnic minorities; people with disabilities; and LGBTI persons (OECD, 2022^[73]).

As data sources for AI systems are collected through the Internet, questions emerge in terms of the audiences that are accounted for in the criteria of algorithms and other tools. Given the unequal access to the Internet in Portugal, this may introduce the risk of individuals from certain age groups, geographic locations and socio-economic backgrounds not being represented in operating criteria for services. As social benefits, for example, are increasingly being automated, it will be critical to reflect on the ethical management of these tools and introduce safeguards to avoid potential instances of exclusion. Portugal could leverage its strong framework for participation to explore opportunities to co-create these tools with end users themselves through hackathons and other forms of civic engagement. In the case of Estonia, the Suve chatbot was co-designed with citizens, civil society and technology experts through the “Hack the Crises” hackathon in 2020 to ensure it responded to the needs of different population groups (OECD, 2022^[73]).

3.6. Institutional mechanisms to safeguard fundamental rights

Independent oversight and complaint redress mechanisms play a vital role in protecting and promoting civic space in Portugal. The institutional framework is primarily safeguarded by the Portuguese ombudsman and the Portuguese National Human Rights Committee. The Office of the Ombudsman was established by Decree-Law No. 212/75 (Assembly of the Republic of Portugal, 1975^[142]) as part of the democratic consolidation process. It is an independent body with constitutional recognition in Article 23. Its main duties are delineated by Law No. 9/91 (Assembly of the Republic of Portugal, 1991^[143]), which includes a broad mandate to protect and promote human rights. The ombudsman is appointed by parliament for four years with the possibility of a one-term renewal (Portuguese Ombudsman, n.d.^[144]). Since 1999, it was accredited status A, in full compliance with the Paris Principles⁴⁰ as a National Human Rights Institution (Portuguese Ombudsman, n.d.^[145]).

In practice, the ombudsman receives and analyses complaints made against public authorities. It can launch inquiries and investigations and provide recommendations, suggestions or calls for attention. However, it does not have binding decision making powers. In addition to the wide range of activities it undertakes, the ombudsman was also appointed the National Preventive Mechanism following the Council of Ministers' Resolution No. 32/2012, an organism that defends the rights of persons deprived of their liberty (Portuguese Ombudsman, n.d.^[146]). Overall, there has been a significant increase in the number of complaints over time. According to a 2021 activity report, the ombudsman received 21 259 requests, 12 219 of which resulted in the opening of proceedings, an increase by 6% from the previous year and 59% since 2017 (Portuguese Ombudsman, 2021^[147]). The highest number of complaints were related to social security (27%), taxation (10%), public employment (8%) and economic and financial affairs (8%).

Conversely, the Portuguese National Human Rights Committee is mainly responsible for intergovernmental co-ordination to promote an integrated approach on human rights policies in the country. The committee was created by Resolution of the Council of Ministers No. 27/2010 of 8 April and was established as a response to a commitment of the first cycle of Portugal's Universal Periodic Review made by the United Nations Human Rights Council in December 2009 (Human Rights Council, 2019^[21]). Based in the Ministry of Foreign Affairs, the committee co-ordinates Portugal's human rights agenda across ministries to ensure Portugal's compliance with international human rights instruments. As part of its mandate, the committee has several working groups related to human rights, such as on business and on human rights indicators. The latter has developed specific indicators in thematic areas such as the right to education and to freedom and individual security (PNHRC, n.d.^[148]). The committee is also responsible for promoting and disseminating international best practices in public bodies (PNHRC, n.d.^[149]). To further this work, the Portuguese National Human Rights Committee conducts trainings and conferences in a variety of human rights thematic areas. In 2022, the committee was collaborating with the National Institute of Public Administration to deliver a human rights training programme for the public administration.

Other ad hoc commissions also have oversight and implementation roles related to human rights, in line with their particular area of expertise. Importantly, the ACM is not only in charge of migration policies, including welcoming and integrating migrants and other ethnic groups, but also of combating all forms of discrimination based on colour, nationality, ethnic origin or religion (ACM, n.d.^[150]). Although the High Commissioner is appointed by the government, the office benefits from administrative and financial autonomy. It is regulated by Decree-Law No. 31/2014 (Government of Portugal, 2014^[151]) and falls under the supervision of the Prime Minister and the Presidency of the Council of Ministers. To deliver on this broad mandate, the ACM has three advisory bodies. The first is the Council for Migrations, which is a consultative body that supports the ACM in defining and implementing migration policies. It is composed of a broad range of stakeholders, including representatives from diverse immigrant communities, CSOs with activities or interest in the area of migration, citizens and public officials from diverse policy areas, including security, economy, labour and education, among others (ACM, n.d.^[152]). The ACM, in close

collaboration with the Council for Migration, implements the National Implementation Plan of the Global Compact for Migration and the Strategic Plan for Migration (ACM, n.d._[153]).

A second key body is the Consultative Council for the Integration of Roma Communities (CONCIG), whose main function is to elaborate and co-ordinate the implementation, monitoring and evaluation of the National Strategy for the Integration of Roma Communities. The CONCIG is composed of a variety of stakeholders from the public sector and civil society that are relevant to the integration of Roma communities (ACM, n.d._[55]).

A third body is the Commission for Equality and against Racial Discrimination (CICDR), which monitors the application of Law No. 93/2017 for preventing, prohibiting and combating discrimination based on racial and ethnic origin, colour, nationality, ancestry or territory of origin. Pursuant to Article 8, the CICDR has the competency to receive complaints based on discrimination, apply sanctions and recommend adopting measures to prevent discrimination. Composed of several stakeholders from the public sector and civil society, the CICDR also elaborates and co-ordinates the implementation of the National Plan to Combat Racism and Discrimination. In addition, the CICDR has a Permanent Commission with the competence to decide on the application of sanctions and fines, which are limited to administrative offences (CICDR, n.d._[154]). To support this work, in 2020, the government, through the Secretary of State for Citizenship and Equality, created the Working Group for the Prevention and Combat of Racism and Discrimination (Commission for Equality and against Racial Discrimination, 2021_[20]).

To complement the work of the aforementioned advisory groups, the ACM houses the Migration Observatory and the Roma Communities Observatory. Both play a crucial role in analysing information and data about migration and Roma communities in Portugal that can help the ACM better define, implement and evaluate integration policies and services for these vulnerable groups. Acting as informal units, the observatories collaborate with research centres, produce reports and foster debates. They also contribute to implementing certain measures of each thematic national strategy (ObCig, n.d._[56]; Migration Observatory, n.d._[155]). Within this framework, the ACM and the Migration Observatory have developed indicators governing the integration of immigrants (Box 3.9). The indicators are particularly relevant as immigrants are one of the most vulnerable groups facing challenges in accessing public services, as discussed in Section 3.3.

Box 3.9. The High Commission for Migration's indicators for the integration of migrants

Strong composite and aggregate indicators are the basis for monitoring and evaluating policies, laws and initiatives, which allow for informed public debate and restore the legitimacy of public action by basing discussions and choices on facts and analysis. Portugal has developed 15 dimensions and more than 200 indicators to support immigrant integration. These indicators are based on the analysis of 28 statistical and administrative sources, which are then published yearly in the form of a short summary with key trends and a statistical report (ACM, 2022_[156]).

The High Commission for Migration's (ACM) indicators go beyond the standard recommendation from the European Commission (European Commission, n.d._[157]), which provides four integration dimensions and 16 Zaragoza indicators.¹ Overall, the ACM's practice allows the Portuguese government to identify trends over time and to predict a policy's impact upstream (*ex ante*) to adjust provisions as they are implemented (*in itinere*) and to determine whether they should be continued, abandoned or corrected (*ex post*).

1. Following the adoption of the Zaragoza Declaration in April 2010 by the EU ministers, these indicators use Eurostat data to monitor the integration of immigrants with comparable data across EU countries.

Sources: High Commission for Migration (2022_[156]); Immigration in Numbers Collection: Annual Statistical Reports, <https://www.om.acm.gov.pt/publicacoes-om/colecao-imigracao-em-numeros/relatorios-anuais>; European Commission (n.d._[157]), Governance of migrant integration in Portugal, https://ec.europa.eu/migrant-integration/country-governance/governance-migrant-integration-portugal_en.

Another relevant body is the Commission for Citizenship and Gender Equality (CIG), which is responsible for defending and promoting the fundamental principle of equality outlined in the Constitution. Established by Regulatory Decree No. 1/2012 of 3 May (Government of Portugal, 2012^[158]), the CIG is part of the Presidency of the Council of Ministers. It handles complaints of discrimination on the grounds of sex, sexual orientation and gender identity and can issue opinions and recommendations to concerned authorities (CIG, n.d.^[159]). These, however, are not binding. Moreover, the CIG is charged with implementing the National Strategy for Equality and Non-Discrimination 2018-2030. To fulfil the long-term vision included therein, the strategy includes three action plans for short-term implementation: 1) the Action Plan for Equality between Women and Men 2018-2021; 2) the Action Plan for Preventing and Combating Violence against Women and Domestic Violence 2018-2021; and 3) the Action Plan to Combat Discrimination on Grounds of Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics 2018-2021 (CIG, 2018^[160]).

Concerning the information ecosystem, the Commission for Access to Administrative Documents (CADA) is responsible for ensuring compliance with the provisions of the access to information law (No. 26/2016). As an independent administrative entity, CADA can issue non-binding opinions (*parecer*) either as a response from a public body or service subject to the law, or as a result of an appeal process due to a lack of response, denial of an application, or any decision from a public body or service that restricts access to administrative documents (CADA, n.d.^[161]). The members of CADA are appointed by different public entities, including the Superior Council of Administrative and Tax Court, the President of the Assembly, the central government, the regional governments, etc. Members are elected for a three-year term, which can be renewed twice.

Finally, the Portuguese Data Protection Authority (CNPD) is an independent administrative entity charged with monitoring compliance with the legal and regulatory provisions regarding the protection of personal data (CNPD, n.d.^[162]), including Law No. 58/2019 on the implementation of the GDPR; Law No. 59/2019 on the processing of personal data; and Law No. 41/2004 on the protection of privacy in the electronic communications sector, among others. It is composed of seven members who are appointed by different public entities and whose president is elected by the Assembly of the Republic. As part of its attributions and competences, the CNPD can issue non-binding opinions and provide guidelines and recommendations to citizens and organisations.

3.6.1. From theory to practice: safeguarding rights in reality

If a citizen or stakeholder faces discrimination in accessing a particular service, the process for a complaint in any of the aforementioned bodies is as follows: the concerned body first studies the case to determine whether the claim falls under its competence and whether it has the necessary evidence from the victim to open an administrative offence process. The institution can request additional information from the victim to complete the file or redirect the victim to the correct body to file the complaint. Once a process is opened, the law allows 90 days to complete the investigation, which can be extended for 60 days in cases of justified complexity. Once a decision is made on the case, administrative offences can lead to warnings, fines or additional sanctions, which are, however, not binding. In cases of aggravated circumstances in accordance with the legal framework, the case may be redirected to the relevant authorities in the criminal justice system.

The institutional frameworks governing civic space and individual rights are comprehensive, and important progress has been made in recent years in terms of developing relevant policy instruments and offering sectoral redress mechanisms for individuals (see Section 4.2 in Chapter 4 for more on the participatory nature of the relevant policy instruments). Yet, the OECD's fact-finding mission revealed a series of challenges in their governance structures as well as in their implementation.⁴¹ In terms of governance, public officials stated that they lack adequate human and financial resources, hindering their ability to effectively deliver on their respective mandates. Moreover, while several institutions can receive complaints, conduct investigations and sanction non-compliance, with the exception of the ERC, none have binding decision making power. In practice, public entities do not comply with the recommendations provided, in particular on topics such as access to information with CADA and discrimination with the CICDR. This limits the impact of these bodies

on decision making. Some reports also point to a lack of full independence of certain commissions such as the CICDR (CommHRCoE, 2021^[17]; ECRI, 2018^[16]). Finally, most bodies, such as the ombudsman, CADA and the CICDR, publish annual activity reports as part of their mandate and include data, for instance on the number and type of complaints received. While the data are disaggregated, the metrics do not follow the same standards across bodies, which limits the potential for cross-analysis. In fact, apart from the ACM and its work on indicators for the integration of migrants (Box 3.9), few institutions use the data to analyse trends, emerging needs and gaps in services. Moreover, certain bodies, such as the CIG, do not disclose data on complaints, but do publish annual reports with key indicators on gender equality. Although annual reports from independent oversight and complaint redress mechanism include data on complaints related to public services, they do not single out this data specifically.

The functioning of these bodies indicates that there are a number of additional challenges. First, the institutional system as a whole is complex and fragmented. The existing complaint redress mechanisms depend on the type of alleged discrimination and victims often struggle to find the right interlocutor with which they should file a complaint. While mechanisms are obliged to redirect victims to the correct body, it often does not happen in practice; when it does happen, the necessary time and resources to file a complaint represent an increased burden for victims. Second, there is limited training for relevant public officials, which can result in biases towards certain groups and inadequate knowledge of the system to orient stakeholders towards the correct interlocutor.⁴² Third, citizens and stakeholders lack knowledge of the existing legal, institutional and policy frameworks, partly due to weak communication from the government.⁴³ The channels and communications that public institutions use are not always reaching those who need services the most due to the absence of targeted public communication. In turn, as acknowledged by several public officials and CSOs during the fact-finding mission, stakeholders tend not to file complaints.⁴⁴ Although free legal aid is available, stakeholders reported that vulnerable groups generally experience financial barriers to accessing justice. The time needed to investigate complaints is also lengthy. These challenges result in a limited number of investigated cases and sanctions by relevant commissions.

The creation of a centralised online system for all types of complaints concerning fundamental rights could help to address this issue. To that end, the government could follow the example of the Electronic Yellow Book (the Livro Amarelo Electrónico or LAE), a centralised portal that emerged from the SIMPLEX programme in 2021 where citizens and stakeholders can submit comments, suggestions and complaints regarding public services (Government of Portugal^[163]) (Section 4.2.2 in Chapter 4). The government could also consider increasing support services, such as legal aid and targeting the most disadvantaged members of society by partnering with relevant CSOs, such as the Portuguese Association for Victim Support (Box 3.10).

Box 3.10. The role of the Portuguese Association for Victim Support in providing legal aid

Civil society plays a key role in the provision of public services, one of which is equal access to legal aid for vulnerable and marginalised groups of society. Created in 1990, the Portuguese Association for Victim Support is a private non-profit organisation whose main objective is to support victims of crime and violence, their families and friends, providing them with quality, free and confidential services and contributing to the improvement of public, social and private policies focused on the status of the victim.

Its services are provided through offices in different cities in Portugal, national and local networks for support, phone lines, email and other social media support, such as Skype and WhatsApp as well as interpretation, if needed. The Portuguese Association for Victim Support works in close collaboration with the government and has several partnerships with different public entities, including the High Commissioner for Migration and the National Police, among others. It also provides training to several public entities on victim support, such as awareness-raising workshops for the police.

Source: AVAP (n.d.^[164]), Portuguese Association for Victim Support, https://apav.pt/apav_v3/index.php/pt/.

Summary of recommendations on creating the conditions for more people-centred, human rights-based public services

Fostering equality and non-discrimination

Portugal has made notable progress in creating policies, such as thematic strategies, for different vulnerable populations, and in championing targeted initiatives to facilitate their integration to society and their equal access to services, such as the National and Local Support Centres for the Integration of Migrants and the municipal mediators for Roma communities. However, problems persist with respect to discrimination, racism and exclusion for some groups, which hinder their ability to access services on an equal basis. Building on the efforts to date, the Portuguese administration could focus on strengthening the legal and institutional framework and expanding measures to promote equality and combat discrimination by:

- Strengthening the legal framework for discrimination by including racist motives/hate as an aggravating circumstance for all crimes.
- Separating the Commission for Equality and against Racial Discrimination from the High Commission for Migration.
- Creating incentives for municipalities to encourage the adoption of local integration plans for Roma communities and increase awareness and reach of other existing sectoral strategies.
- Developing a communication strategy with a clear articulation of existing services available as well as the path for accessing them, by consulting users and providing them in an omni-channel way and in several languages.
- Expanding awareness-raising and training efforts on discrimination, in particular for security forces and for public officials in charge of dealing with citizens and stakeholders, to build capacities in terms of communication and language skills, biases and knowledge of the public administration to properly guide any population group, in particular vulnerable and marginalised ones, based on their specific needs.
- Building the capacities of service providers and municipalities at the local level by expanding the existing one-stop shop services for migrants and the municipal and intercultural mediators programme for Roma, providing adequate resources and incentives to municipalities and increasing the reach and use of the telephone translation service.
- Expanding partnerships with CSOs, who have expertise in discrimination against different vulnerable and marginalised groups, to increase human and technical capacities for data collection and analysis, as well as to provide policy advice, legal aid and services to these groups.
- Building the capacity of Portuguese schools and teachers to fight prejudices at an early age by conducting courses to increase awareness of discrimination and racism as well as the importance of inclusion and equality. Roma local mediators could play an important role in facilitating trainings and dialogue with stakeholders. Moreover, the government could increase language courses in Portuguese in local areas and simplify the validation of skills to certify migrants to access the labour force.
- Strengthening monitoring and evaluation of discrimination, including to identify trends, with the creation of the observatory of racism and xenophobia under the PNCRD. By identifying where and why stakeholders are being discriminated against, public institutions can improve access to services with targeted policies and interventions.

Protecting press freedom and access to information

Promoting a sound information ecosystem can empower an informed citizenry to take an active part in public debate, engage with the state and access public services. While Portugal has a long history of protecting press freedom, there are also challenges hindering the media sector, notably in terms of its economic sustainability, security against cyber threats, defamation laws limiting public debate and increased violence against reporters. At the same time, opportunities remain to strengthen existing access to information mechanisms and awareness raising around this right. In this context, the government of Portugal could consider strengthening the institutional framework for transparency and improving proactive and reactive disclosure of information by:

- Developing one single online platform allowing to request information from any public body, track the status of the request and potentially protect the identity of the requester. This could ensure access, quality and usability of the right to access information as well as to monitor compliance by public bodies.
- Creating interactive guidelines or manuals for citizens and stakeholders on how and where to request government information.
- Disseminating available means to access information and data to increase awareness of this right through a multi-channel approach to ensure that stakeholders with limited information and communication technology skills and/or access to the Internet have the same opportunities to access and use public information. For instance, Citizen Shops and Citizen Spots could be utilised to increase awareness and use of digital tools and technologies.
- Conducting user consultations to prioritise citizens' information and data needs, including the preferable format and channels for dissemination, to ensure the accessibility and usability of online tools and websites and to easily locate existing information and data.
- Providing binding decision making powers and further resources to the Commission for Access to Administrative Documents to increase its enforcement capacities, conduct investigations and enforce sanctions.
- Encouraging the appointment of a person or unit in charge of the access to information law in all public bodies subject to the law and providing additional training and capacity-building to public officials to increase compliance. A network of access to information officials could also be created to build capacities and exchange good practices.

Protecting digital security, inclusion and people-centred use of technologies

Portugal is a leading innovator in online public service delivery and one of the most advanced digitised societies in Europe. While it has championed digital reforms under a user-centred perspective, there is still room to enhance the access to and sharing of public data, strengthen cybersecurity measures, and address data collection and privacy concerns. To make public services more accessible while ensuring the protection of personal information and data, the government of Portugal could consider:

- Scaling existing capacity-building efforts to include service providers at the front lines of using personal data to implement GDPR directives, as well as to address the uneven levels of implementation across line ministries. These trainings could be expanded to include citizens to raise their awareness of how to monitor and protect their personal data when interacting with the state – for example through ePortugal.gov and other relevant delivery channels, and co-ordinated by the Portugal Digital task force.
- The Portuguese Data Protection Authority could consider the creation of data protocols or standards to promote the systematic collection, management, use and sharing of information across institutions and policy sectors with a view to ensuring its privacy. These protocols could

be designed collaboratively with service providers and other relevant public servants across line ministries to ensure that the protocols address the potential challenges faced by these actors in terms of data privacy.

- Exploring opportunities to engage with civil society, technology experts and businesses to ensure the Video Surveillance and Facial Recognition Law responds to the concerns of all the relevant actors to safeguard privacy and autonomy. With the gradual introduction of biometric data collection in public service delivery, consulting with these actors will be fundamental.
- The Administrative Modernization Agency could seek to collaborate more closely with the National Cybersecurity Centre to expand the scale and reach of awareness-raising and capacity-building activities planned as part of Commitment 6 of Portugal's OGP National Action Plan on "raising awareness and building capacity on cybersecurity issues".

As a digital champion, Portugal has come a long way in placing citizens at the centre of the digital transformation of the public sector. Digital inclusion has remained a top priority for the government and even more so as digital services took a central role at the onset of the COVID-19 pandemic. Despite these efforts, as in many OECD Members, digital divides continue to present challenges for different groups to access public services. To address the existing demographic, income, geographic and accessibility-based factors inhibiting certain groups from using public services, the government of Portugal could consider the following:

- In the framework of the Mosaico initiative, conducting a user mapping to build evidence on existing gaps to inform the process to redesign pilot public services. The government could pay particular attention to devising different service delivery modalities in line with Commitment 3 in its 2nd OGP National Action Plan according to the needs of groups such as the elderly, migrants and other traditionally under-represented groups.
- Expanding the scale and reach of the INCoDe programme to provide targeted support for digital literacy capacity building based on a mapping of existing gaps across groups in society and regions. Reflecting on potential avenues to ensure the systemic funding of this programme to secure key results moving forward in terms of digital literacy.
- Scaling existing efforts in the framework of INCoDe with a view to expanding the support available to the elderly. This support could include adopting measures to simplify existing platforms and tailoring services according to the needs, habits and limitations of this group.
- Strengthening co-ordination with local governments to drive and tailor service delivery according to the needs of each particular region. This work would also benefit from identifying and collaborating with community leaders, CSOs and other trusted voices to expand the reach of existing onsite support for service delivery to different groups, in particular vulnerable segments of the population.

While Portugal has great potential and an ambitious vision to leverage artificial intelligence for the delivery of many crucial services, further efforts are needed to promote an ethical, transparent and people-centred use of these technologies. Strengthening algorithmic transparency, safeguarding data privacy and addressing human biases in algorithms discriminating against minorities in the delivery of automated services will be vital for Portugal to unlock the full potential of these technologies. The government could thus consider the following recommendations to strengthen its use of artificial intelligence, algorithms and other technologies in public service delivery, with a focus on protecting and promoting civic freedoms and rights:

- Strengthening algorithmic transparency by making the criteria used to automate decisions and the treatment of personal data in the delivery of a service publicly available in a clear, up-to-date and accessible manner. This could include, for example, criteria for approval,

requirements, decision making processes, institutions involved in the process, as well as benefits/outputs of each service.

- Developing dedicated technical guidance to guide automated decisions and ensure the protection of personal information along the data processing cycle, in particular as service providers introduce the use of algorithms to determine social benefits and other outcomes. It could also consider the delivery of capacity-building trainings for service providers that use public data sets to raise their awareness and strengthen compliance with GDPR directives.
- Along with the implementation of the Guiding Principles, AMA could raise awareness among key service providers on how to introduce safeguards against potential instances of bias and discrimination by artificial intelligent technologies used for the delivery of public services.
- Exploring opportunities to co-create algorithms used for public service delivery with end users through hackathons and other stakeholder participation mechanisms.

Strengthening the role of independent oversight mechanisms in protecting fundamental rights

The institutional frameworks governing civic space in Portugal are comprehensive and have made important progress in recent years in terms of developing relevant policy instruments (i.e. thematic strategies) and offering sectoral redress mechanisms for individuals. Yet, they face a series of challenges in their governance structures, due to a lack of resources, limited decision making powers and lack of data standardisation, as well as in their implementation, mainly due to a complex and fragmented system, limited training, weak communication and lengthy process for complaints. The government could consider strengthening the governance of the existing oversight mechanisms governing civic freedoms to combat the current siloed approach and to increase access to all members of society by:

- Ensuring adequate funding, capacities and independence across institutions, particularly those that have a complaints mechanism in place, to ensure cases are effectively monitored and investigated.
- Providing binding authority to key institutions' recommendations to increase compliance from public bodies.
- Publishing data on complaints and sanctions from commissions on a single portal to encourage compliance competition across public bodies and promote monitoring from citizens and stakeholders.
- Identifying avenues to simplify the access to complaints mechanisms and understand the accessibility of services provided via targeted outreach to, and research among, vulnerable and marginalised communities.
- Simplifying the process to file complaints and providing timely follow-up on their progress as well as proper referrals when relevant. For instance, a centralised online system, such as the Electronic Yellow Book for public services, could be created for all types of complaints concerning fundamental rights.
- Increasing support services, such as legal aid, targeting the most disadvantaged members of society by partnering with relevant civil society organisations.
- Developing a communication strategy targeting different population groups using simple language to clearly explain which body can address each type of complaint to increase awareness and use of the existing mechanisms.
- Fostering collaboration among commissions by creating an informal network to develop expertise, identify service gaps, and foster synergies and cross-sectoral data analysis that can help identify trends.

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Notes

¹ Portugal has ratified 17 out of 18 international human rights treaties, including the International Covenant on Civil and Political Rights, as well as the Optional Protocol and Second Optional Protocol to the International Covenant, the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Optional Protocol to the Convention. Only the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families has not been ratified (OHCHR, n.d.^[165]).

² The OECD's PISA assessments define a student as any individual participating in educational services covered by the data collection. The number of students enrolled refers to the number of individuals (headcount) who are enrolled within the reference period and not necessarily to the number of registrations (OECD, 2001^[167]).

³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁵ Data received from the Government of Portugal, March 2023.

⁶ Data received from the Government of Portugal, March 2023.

⁷ Data received from the Government of Portugal, March 2023.

⁸ Data received from the Government of Portugal, March 2023.

⁹ This refers to basic education grades 4-6. Basic education is followed by secondary education (third cycle and upper secondary education) after the completion of the second cycle.

¹⁰ Data received from the Government of Portugal, March 2023.

¹¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹² Data received from the Government of Portugal, March 2023.

¹³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁴ This category includes indicators on the following: possibility of imposing sanctions on those who wilfully undermine the right to information (e.g. unauthorised destruction of information); existence of a redress system for public bodies who systematically fail to disclose information; whether legal immunity is granted for the independent oversight body and its staff for acts undertaken in good faith in the exercise or performance of any power, duty or function under the RTI law; existence of legal protections against imposing sanctions on those who disclose wrongdoing (i.e whistleblowers).

¹⁵ This category includes indicators on the following: whether public authorities are required to appoint officials or units with dedicated responsibilities for ensuring that they comply with their information disclosure obligations; existence of a central body with overall responsibility for promoting RTI; whether public awareness-raising efforts are required by law; existence of a system whereby minimum standards

regarding the management of records are set and applied; whether public bodies are required to create and update lists of registers of the documents in their possession, and make these public; existence of training programmes for public officials; whether public bodies are required to report annually on the actions taken to implement their disclosure obligations, including statistics on requests; whether the central body is obliged to present a consolidated report to the legislature on implementation of the law.

¹⁶ This category includes indicators on the following: whether standards in the ATI law trump restrictions on information disclosure (secrecy provisions) in other legislation to the extent of any conflict; whether exceptions to the of access are consistent with international standards; whether a harm test applies to all exceptions, so that disclosure is only refused when it poses a risk of actual harm to a protected interest; existence of a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest; whether there is a requirement to release information as soon as an exception ceases to apply; existence of clear and appropriate procedures for consulting with third parties who provided information which is the subject of a request on a confidential basis; existence of a severability clause requiring the rest of a record to be disclosed even if a specific section is covered by an exception; whether public bodies when refusing to provide access to information a) state the exact legal grounds and reason(s) and b) inform the applicant of the relevant appeals procedures.

¹⁷ The analysis of Portugal's access to information law is based on the country's response to Section 4 on transparency of the OECD 2020 Survey on Open Government.

¹⁸ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁰ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²³ The OECD's DGI measures the extent to which governments are becoming digitally competent to foster integrated and coherent operations as well as end-to-end transformation of service design and delivery.

²⁴ The OECD Digital Government Policy Framework (OECD, 2020^[91]) defines a user-driven perspective as "an approach that describes government actions that allow citizens and businesses to indicate and communicate their own needs and, thereby, drive the design of government policies and public services".

²⁵ The Portugal Digital Task Force brings together key line ministries to oversee a co-ordinated implementation of 57 commitments within the National Plan for Digital Transformation (2021-2023).

²⁶ The Programa Transformar has been a flagship initiative under which LabX has been able to deliver on its mandate. It also has a network of experimentation labs to test service solutions with citizens and businesses.

²⁷ The 2nd OGP National Action Plan foresees supporting existing government platforms, including on the education portal and Dados.gov.

²⁸ The National Security Cabinet is a public entity charged with guaranteeing the security of classified information in the framework of national and international policy in this regard. It provides accreditation for people and companies to access and handle classified information. It also supervises the activity of entities operating within the scope of the state's Electronic Certification System.

²⁹ Based on interviews with five CSOs and seven public institutions from 14 January 2022 to 4 May 2022.

³⁰ Based on interviews with five CSOs and seven public institutions from 14 January 2022 to 4 May 2022.

³¹ Based on interviews with three CSOs working in the field of digital technologies and transparency and three public institutions from 15 November 2021 to 2 March 2022.

³² Data displayed concerns individuals with at least basic overall digital skills.

³³ Based on interviews with ten CSOs and 15 public institutions from 15 November 2021 to 4 May 2022.

³⁴ Based on interviews with ten CSOs and 15 public institutions from 15 November 2021 to 4 May 2022.

³⁵ Dependency ratio refers to the average number of economically dependent population (children and the elderly) per 100 economically productive population. Old-age dependency ratio refers to the average number of population over the age of 64 per 100 economically productive population.

³⁶ Based on interviews with five CSOs from 15 November 2021 to 4 May 2022.

³⁷ Based on interviews with five CSOs and LabX within AMA from 15 November 2021 to 15 April 2022.

³⁸ Based on interviews with seven CSOs and six public institutions from 15 November 2021 to 4 May 2022.

³⁹ Based on interviews with two service providers and eight CSOs from 15 November 2021 to 4 May 2022.

⁴⁰ The Paris Principles represent the first set of standards for national human rights institutions and were endorsed by the United Nations General Assembly in 1993 (Resolution A/RES/48/134). The principles set out the main criteria that national human rights institutions are required to meet, including, among others, their mandate, appointment process and resources (ENNHRI, n.d.^[166]).

⁴¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

4

The enabling environment for participation in service design and delivery in Portugal

This chapter explores the opportunities for civil society in Portugal to directly contribute to more inclusive and accessible public services. It begins with an in-depth overview of the role of civil society organisations and enabling environment for their work as service providers, advocates and watchdogs with a focus on access to funding and administrative requirements. It analyses the legal, institutional and policy frameworks governing participation of citizens in addition to the methods used, identifying challenges and opportunities to strengthen implementation. It includes a set of recommendations on how the government could increase inclusion and impact in the way it informs, consults and engages stakeholders and citizens in service design and delivery.

4.1. The enabling environment for civil society

An autonomous, empowered and active civil society is a core building block for a more open and inclusive democracy. These actors play an important role in safeguarding a healthy civic space by “educating the public, providing basic services, protecting the environment, defending the interests of vulnerable groups, conducting social research and analysis, and acting as a public watchdog” (OECD, 2022^[1]). An enabling environment is therefore central for promoting their effectiveness and ability to contribute to the provision of more responsive, inclusive and accessible policies and services. As underlined by the OECD *Recommendation on Open Government*, opportunities to contribute to and participate in public decision-making processes not only promote a wider diversity of voices – beyond those that traditionally have access and influence – but also help improve the quality of policy outcomes (OECD, 2017^[2]).

Various elements create an enabling environment for civil society organisations (CSOs) (OECD, 2022^[1]). First, a conducive legal and policy landscape that safeguards freedom of association and enables a pluralistic civil society to reach its full potential and maximise its impact is essential. Second, adequate funding and access to a diverse pool of resources are a lifeline for civil society and support its degree of professionalisation and autonomy. Third, a further element is ensuring CSOs can conduct their activities without undue interference. Together with the broader conditions for people-centred services that are discussed in Chapter 3, these elements play a key role in strengthening CSOs’ contribution to public decision-making and the provision of vital services.

4.1.1. Legal frameworks governing civil society

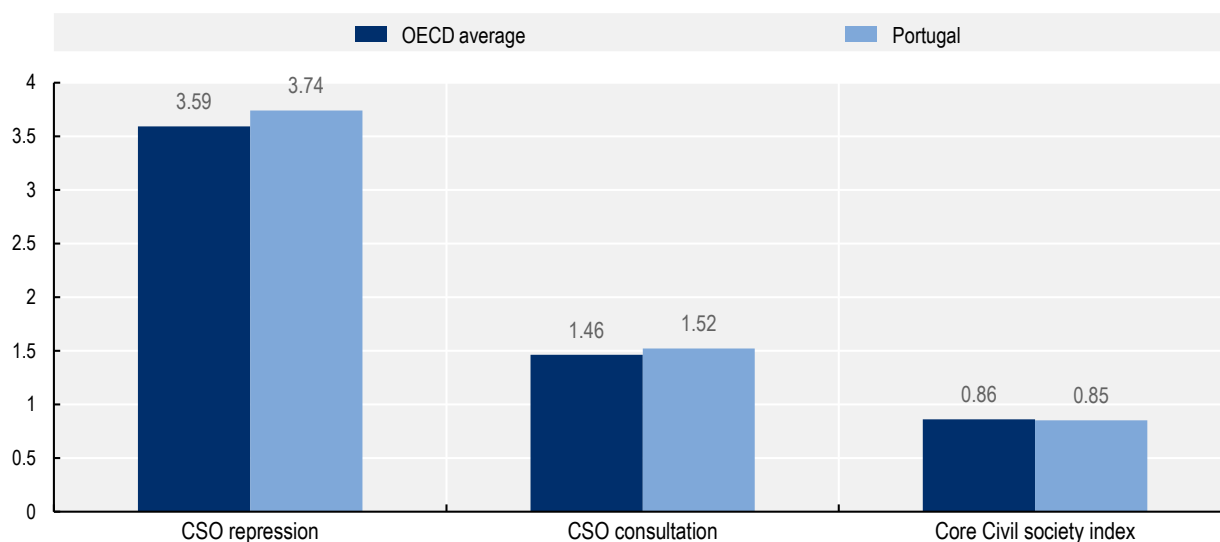
Freedom of association is well established and protected in Portugal by a robust legal framework discussed in Section 3.2.3 in Chapter 3. Civil society activity is regulated by a range of laws that are applicable depending on the missions and different type of organisation in question (FRA, 2021^[3]; Library of Congress, 2021^[4]). Articles 167-184 of the Civil Code (Government of Portugal, 1966^[5]) regulate the constitution and activities of non-profit associations in Portugal. The act of constituting a CSO requires registration in a notary’s office and specification of the goods or services with which the members contribute for the social patrimony; the name, purpose and headquarters of the legal entity; the form of its operation; and its duration if not created indefinitely. CSOs are regulated by dedicated legislation (Government of Portugal, 2022^[6]), including for non-governmental environmental organisations (Law No. 35/98 (Assembly of the Republic of Portugal, 1998^[7])), non-governmental organisations for co-operation and development (Law No. 66/98 (Assembly of the Republic of Portugal, 1998^[8])), associations of immigrants (Law No. 115/99 (Assembly of the Republic of Portugal, 1999^[9])), private social solidarity institutions (Decree-Law No. 172-A/2014 (Government of Portugal, 2014^[10])), foundations (Law No. 24/2012 (Assembly of the Republic of Portugal, 2012^[11])), religious foundations (Law No. 16/2001 (Assembly of the Republic of Portugal, 2001^[12])) and co-operatives (Law No. 119/2015 (Assembly of the Republic of Portugal, 2015^[13])).

In line with most OECD Members, the Portuguese regulatory framework grants a “public utility” designation for certain non-profit entities to benefit from tax exemptions (OECD, 2022^[1]). Decree-Law No. 460/77 (Government of Portugal, 1977^[14]) defines this type of entity as “associations or foundations that pursue purposes of general interest, or the interests of the national community or of any region or district, co-operating with the central or local administration”. Entities that are granted public utility status are covered by the Statute of Tax Benefits (Decree-Law No. 215/89 (Government of Portugal, 1989^[15])), which allows them to benefit from patronage financing and provides donors the ability to deduct these amounts from their personal income tax (FRA, 2021^[3]).

4.1.2. Civil society's crucial role in the design and delivery of public services

In Portugal, civil society benefits from a relatively favourable enabling environment. Data from V-Dem illustrate that Portugal is above or in line with the OECD average in terms of the robustness of its civil society (0.85 out of 1 in the Core CSO Index)¹ and benefits from low levels of CSO repression (3.74 out of 4)² and a high degree of CSO consultation (1.52 out of 2)³ (Figure 4.1). CSOs can generally conduct their work without restrictions, in particular when it comes to the acquisition and sale of property, reception of international funds, engagement in gainful activities (i.e. selling a product or service) and engagement in political activities or campaigns (i.e. advocacy) (OECD, 2022^[1]).

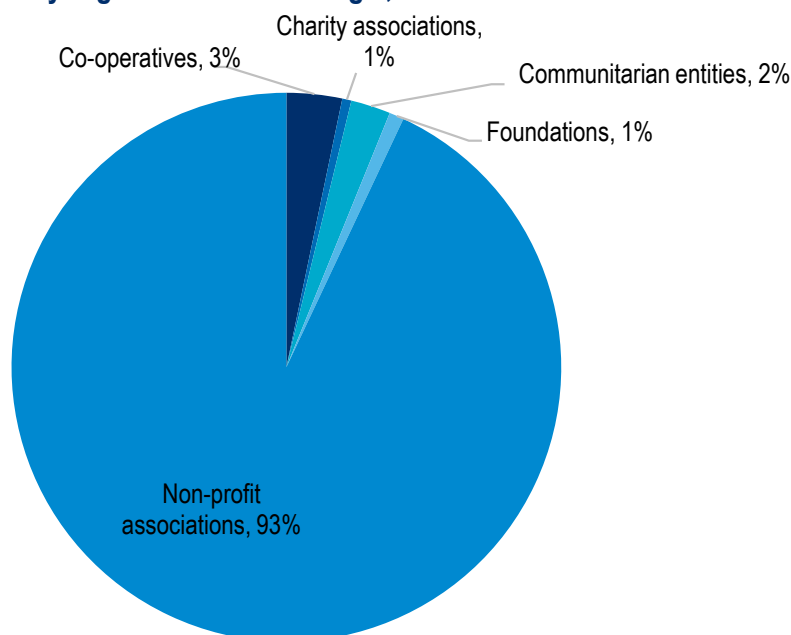
Figure 4.1. Portugal's scores in Varieties of Democracy Institute's civil society indices, 2022



Note: CSO repression indicator (on a scale of 0-4, where 0 indicates severe CSO repression and 4 no repression); CSO consultation indicator (on a scale of 0-2, where 0 indicates no consultation exists and 2 indicates CSOs are given a voice on key policy issues); the Core CSO Index measures how robust civil society is (on a scale of 0-1, where 0 indicates low and 1 high).

Source: V-Dem (2022^[16]), Indicators on core CSO index, CSO repression and CSO consultation, https://www.v-dem.net/data_analysis/CountryGraph.

Together, these favourable conditions have contributed to a flourishing, healthy and diverse civil society sector in Portugal. Data from 2016, which is the latest available from Statistics Portugal, indicate that a total of 71 885 CSOs were operating in the country at the time (Statistics Portugal, 2019^[17]). Most of these actors were registered as private non-profit association (66 761), while the remainder were co-operatives (2 343), communitarian entities (1 678), foundations (619), charity associations (387) and mutual associations (97) (Figure 4.2). According to a study by the Gulbenkian Foundation, close to one-third of non-profit associations emerged in the form of social welfare entities⁴ (also called private social solidarity institutions or *instituições particulares de solidariedade social*) after the fall of the dictatorship in 1974 from the grassroots level “to provide a collective response for social service gaps, support crisis responses and open spaces for artistic and cultural expression” (Campos Franco, 2015^[18]; Government of Portugal, 2014^[19]). In 2016,⁵ the most common areas of activity for CSOs in Portugal were Culture, communication, and recreation activities (33 722); Religious congregations and associations (8 533); Social services (6 978); Civic, advocacy, political and international activities (5 912) (Statistics Portugal, 2019^[17]).

Figure 4.2. Types of civil society organisations in Portugal, 2016

Note: Mutual associations make up less than 1 % (0,13%) of the CSOs and are not visible in the graph.

Source: Statistics Portugal (2019_[17]), SESA third edition: Social Economy accounted for 3.0% of GVA in 2016, https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaquas&DESTAQUESdest_boui=379958840&DESTAQUEStema=00&DESTAQUE_Smodo=2.

These organisations are generally led by volunteers, with only a small share composed of remunerated staff (Campos Franco, 2015_[18]). For example, in 2016, the number of people formally employed by the civil society sector represented only 5.3% of the total national employment (Statistics Portugal, 2019_[17]). Civil society work is supported by a strong volunteering culture in Portugal, where more than 650 000 individuals over the age of 15 volunteer regularly. Nevertheless, a study by the Gulbekian Foundation found that regional disparities exist in terms of the ratio of the number of inhabitants per non-governmental organisation (NGO), which has significantly impacted the degree of representation and the availability of local volunteering opportunities, in particular in the hinterlands (Campos Franco, 2015_[18]).

CSOs have been able to consolidate a strong presence and foster inter-agency collaboration through various national networks and platforms. According to the Gulbekian Foundation, there are three major federate structures in Portugal bringing together CSOs and facilitating collaboration: the National Confederation of Solidarity Institutions (Confederação Nacional das Instituições de Solidariedade), the Union of Portuguese Holy Houses of Mercy (União das Misericórdias Portuguesas) and the Union of Portuguese Mutualities (União da Mutualidades Portuguesas) (Campos Franco, 2015_[18]). Federations on specific thematic areas have also emerged in recent years to enhance the impact of work on “local development, environment, promotion of equal opportunities, international development co-operation and women’s rights” (FRA, 2017_[20]). For example, the Portuguese Non-Government Development Organisations Platform (Plataforma Portuguesa das ONGD) represents over 60 Portuguese non-governmental development organisations (NGDOs) to strengthen their intervention by sharing experiences, training and representation in international fora. While their ability to collectively organise and effectively impact policymaking is limited, findings from OECD interviews reveal that these structures have facilitated fundraising for their members through formal co-operation protocols and opened communication channels with the government.⁶ More recently, the multi-stakeholder forum created in the framework of Portugal’s membership of the OGP has also created a platform for civil society to participate in public decision making, advocate for a wider diversity of voices in policymaking and scrutinise the work of government (Government of Portugal, 2022_[6]).

CSOs have historically played an important role in public service delivery. Notably, the fall of the dictatorship catalysed the expansion of the sector and the consolidation of dispersed and dissident movements (Fernandes and Branco, 2017^[21]). During this transitory period, the country experienced high levels of unemployment and the inability of a newly formed state to fully operate, which prompted the non-profit sector to take charge of the provision of a broad range of social services (Casanova, Guerreiro and Pervova, 2018^[22]; Campos Franco, 2015^[18]). As a result, co-operation programmes emerged between the sector and the government as a way to finance and support programmes for the integration of marginalised groups, childcare, elderly care and employment programmes. With the entry of Portugal into the European Union in 1986, exposure to regional standards opened up new sources of funding and ushered in the development of an enabling legislative framework (Casanova, Guerreiro and Pervova, 2018^[22]).

CSOs continue to fulfil a primary role in bridging delivery gaps and facilitating access to a broad range of public services. Notably, the Portuguese state regularly contracts private institutions and other non-governmental associations for the provision of vital social care services, in particular with a focus on child and elderly care (Casanova, Guerreiro and Pervova, 2018^[22]). Findings from OECD interviews also revealed that these actors are primary partners implementing programmes as part of government strategic plans in areas such as inclusion, combating discrimination, gender equality and media literacy.⁷ For example, in the framework of the National Strategy for the Inclusion of People with Disabilities, CSOs support the National Rehabilitation Institute (Instituto Nacional para a Reabilitação) with the management of over 90 service counters for people with disabilities, the delivery of trainings to promote inclusion and the provision of support services for independent living. Together with parishes, local civil society actors have also played a direct support role in enabling citizens to access certain services (Campos Franco, 2015^[18]). According to OECD interviews, Portuguese migrant associations serve as a first point of contact and play a very important role in the integration of these communities in public life, through awareness-raising efforts, accompaniment in formal state documentation processes and language facilitation. In the case of the social security sector, CSOs often partner with parishes to provide guidance to households in vulnerable situations on the process of applying for and accessing social benefits.⁸

Second, CSOs have been important advocates for the rights of marginalised groups in the design of policies and services. Indeed, these actors have been at the frontlines ensuring the protection of fundamental rights and the representation of a wide diversity of voices through relevant fora⁹ and established communication channels with the government (FRA, 2021^[3]). This is consistent with findings from OECD interviews, which reveal that CSOs have taken an active part in the design and implementation of government strategic plans – including the National Strategy for Equality and Non-Discrimination 2018-2030 (Government of Portugal, 2018^[23]), the Strategic Plan for Migration 2015-2020 (Government of Portugal, 2015^[24]), the National Strategy for the Inclusion of People with Disabilities 2021-2025 (Government of Portugal, 2021^[25]), and the National Strategy for Innovation and Modernisation of the State and Public Administration 2020-2023 (Government of Portugal, 2020^[26]) – to address existing inequalities and ensure that funds are channelled for the deployment of relevant social programmes.¹⁰ The creation of the [Participa.gov](https://participa.gov.pt) platform in 2021 and the multi-stakeholder forum have also been relevant spaces for CSOs to represent the voice of those traditionally lacking influence in public consultations (Government of Portugal, 2022^[6]).

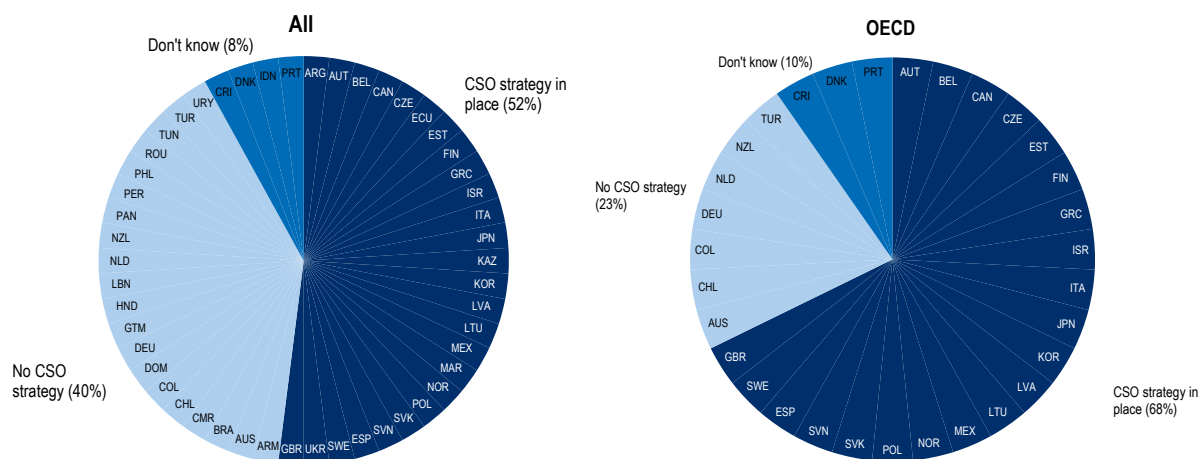
Finally, CSOs also act as a first line of defence in their function as watchdogs to hold public institutions accountable for the delivery of vital public services and social programmes. Notably, the sector in Portugal has historically played a critical role in reporting cases of misuse, abuse, lack of access and other shortcomings through international fora, national complaint mechanisms and other informal avenues (Casanova, Guerreiro and Pervova, 2018^[22]). For example, a group of CSOs published an open letter on 15 November 2021 urging the Portuguese government to reconsider a video surveillance and facial recognition law being reviewed by parliament, given the potential data privacy risks that the use of these technologies could bring, including by making use of biometric data for the delivery of public services without consent and introducing instances of surveillance (EDRI, 2021^[27]). According to OECD interviews,

CSOs also take an active role in monitoring the implementation of the government's strategic plans and social programmes through their membership in committees led by thematic oversight institutions.¹¹ While reporting mechanisms in Portugal have their limitations (Section 3.6 in Chapter 3), CSOs notably have not only used these tools to channel complaints but have also provided guidance to victims of abuse on how to use them.

The government has recognised the important role and contribution of civil society in the Guiding Principles (Government of Portugal, 2021_[28]). Through the nine principles, it acknowledges the importance of empowering civil society and promoting its participation at all stages of the service cycle (Principle 1), given their ability to support “duty-bearers” in the provision of inclusive, relevant and accessible services (Government of Portugal, 2021_[28]). It also introduces the need for the continuous monitoring and assessment of services (Principle 7) to address misuse and abuse cases (Principle 6), where the involvement of CSOs and academia can help improve the legitimacy of results as independent and expert evaluators. To equip right-holders with the necessary knowledge and skills to benefit from a wide breath of public services (Principle 8), public institutions can also leverage the experience, data and programmes of these actors, in particular, to deliver to harder-to-reach groups. As LabX undertakes a process to update this methodology, CSOs should be systematically included as key partners to ensure their relevance, scaling and long-term sustainability.

In this context, the government of Portugal could consider developing an overarching policy framework to formalise, align and scale its work with the civil society sector. The use of a CSO policy or strategy is a useful practice that has been adopted in 68% of OECD Members to improve and promote an enabling environment for CSOs (Figure 4.3). Such frameworks can scale the impact and reach of initiatives by promoting a whole-of-government approach through an articulated vision and delineated objectives to empower this group in policymaking and public service delivery. According to responses to an OECD survey, the three most commonly noted objectives of this type of strategic document include “strengthening the state-CSO relationship”, “supporting volunteering and donations”, and “developing strong and independent CSOs”, respectively (OECD, 2022_[1]). In Portugal, such a strategy could assist with engaging a wider group of organisations and contribute to professionalising the sector and overcoming existing funding and administrative burdens. The government of Estonia’s Civil Society Programme (2021-2024) provides a useful example in this regard (Box 4.1).

Figure 4.3. Countries with a policy or strategy to improve or promote an enabling environment for civil society organisations, 2020



Note: “All” refers to 50 respondents (31 OECD Members and 19 non-Members).

Source: OECD (2022_[1]), *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance*, <https://www.oecd.org/gov/the-protection-and-promotion-of-civic-space-d234e975-en.htm>.

Box 4.1. The government of Estonia's Civil Society Programme (2021-2024)

On 10 July 2020, the government of Estonia adopted a Civil Society Programme (2021-2024) to foster an enabling environment for the sector. The programme aims to empower civil society organisations to increase the impact of their work and achieve concrete results towards the socio-economic development of the country. In doing so, it seeks to promote a whole-of-society approach to address the challenges of the 21st century through initiatives aiming to increase the share of the population participating in voluntary activities, support community-led initiatives, upskill non-governmental organisations and improve the general sustainability of Estonian civil society. The programme was prepared as a continuation to the commitments within the Civil Society Development Plan (2015-2020).

A key feature of the programme was its participatory design. Notably, an involvement plan was elaborated to ensure the inclusion and representativeness of a wide variety of voices. As part of this process, an advisory body comprising government representatives and CSOs was set up to draw up the Civil Society Programme, overseeing its preparation and setting its priorities. Four working groups were established to draft the text of the programme, with the participation of members of the advisory body and other partners.

Source: Government of Estonia (2020^[29]), Civil Society Program 2021-2024, <https://www.siseministeerium.ee/kodanikuhiskonna-programm-2021-2024>.

4.1.3. Funding and administrative requirements for civil society

Access to funding

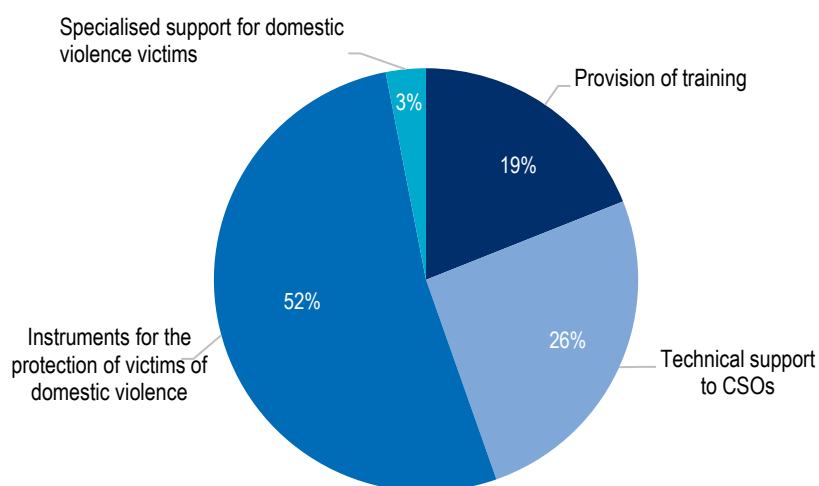
Adequate sources of funding are core components of an enabling environment for CSOs to flourish, operate and partake in public decision making. Indeed, consistent and sufficient resources are not only essential for these actors to effectively deliver, but they also attribute tangible value to their work and recognise the important role of the sector in building more open and inclusive societies. In Portugal, ensuring that resources match the growing contribution of these actors to the delivery and oversight of many crucial services and public programmes is of particular importance.

As in many OECD Members, however, the sustainability of the civil society sector has been underlined as one of the biggest challenges in Portugal by several studies (FRA, 2021^[3]; 2019^[30]) (2015^[18]). These difficulties were aggravated by the decline of financing opportunities due to the effects of the COVID-19 pandemic (FRA, 2021^[3]). Recent reports by CIVICUS reveal that the political crisis following parliament's rejection of the 2022 state budget halted and delayed the allocation of government/EU funds foreseen for the sector (amounting to approximately EUR 45 billion) from January until the new state budget proposal in April, for example (CIVICUS, 2022^[31]).

Government funds constitute the primary source of income for most CSOs in Portugal and are made available through different funding mechanisms across key policy sectors. Notably, most national funds are channelled by line ministries on a discretionary basis in the form of open calls to support the delivery of short- to mid-term public programmes and other thematic initiatives in the framework of national strategies. While it is not possible to provide a comprehensive overview of the overall allocation of government funds due to a lack of available data from different public institutions, support has been particularly prominent in the domains of citizenship, gender equality, combating discrimination and social inclusion since 2017 (FRA, 2021^[3]). In the framework of the Portugal 2020 Programme,¹² for example, the Commission for Citizenship and Gender Equality directed resources towards the promotion of human rights and social inclusion to mitigate the effects of the COVID-19 pandemic. EUR 22 million were allocated as part of the programme to more than 200 initiatives led by CSOs working on a variety of issues (Figure 4.4).

More recently, the government launched a EUR 270 000 fund for organisations working on gender equality, combating female genital mutilation and the rights of LGBTI persons to support the implementation of commitments within the National Strategy for Equality and Non-Discrimination.

Figure 4.4. Disbursement of funds for civil society organisations in the framework of the Portugal 2020 Programme



Source: FRA (2021^[3]), Legal Environment and Space of Civil Society Organisations in Supporting Fundamental Rights: Portugal, https://fra.europa.eu/sites/default/files/fra_uploads/franet_portugal_civic_space_2021.pdf.

These federal government funds are complemented by substantial contributions from the EU and the financial mechanism of the European Economic Area (EEA Grants). Notably, international sources play a fundamental role in the sustainability of the sector and are channelled by intermediate government institutions through the aforementioned open calls (Casanova, Guerreiro and Pervova, 2018^[22]). For example, as part of the EEA Grants programme, the Commission for Citizenship and Gender Equality oversaw the implementation of 22 projects in Portugal led by CSOs on combating sexual segregation, discrimination, social inclusion and gender equality from 2017 to 2022 (FRA, 2021^[3]). Some of the largest foundations in Portugal (i.e. the Gulbenkian Foundation and the Bissaya Barreto Foundation) have also managed over EUR 11 million from the EEA Grants Active Citizen Programme and provided direct technical support for the professionalisation of the sector (Gulbekian Foundation, 2017^[32]). Nevertheless, the growing reliance on international funds has increased the complexity of open calls and channelled resources to a narrow group organisations that does not fully represent the diverse non-profit sector in Portugal (FRA, 2019^[30]; Campos Franco, 2015^[18]).

While these mechanisms have served as the main lifeline for the sector, several difficulties will need to be addressed to better support financial sustainability. First, the lack of sustainable funding and its short-term horizon have introduced a high degree of uncertainty to the work of large and small CSOs alike. This challenge has been aggravated by the limited and declining availability of funds, together with their uneven distribution across sectors that inherently leaves out important policy issues and constrains the work of CSOs (Campos Franco, 2015^[18]; FRA, 2021^[3]). Second, the fragmented and dispersed management of funds by different public institutions has introduced difficulties for these actors to be aware of and able to access these opportunities. Third, CSO stakeholders during OECD interviews revealed that the open calls model to channel public funds comes with financial risks, as the slow transfer of funds often forces these actors to incur a debt upfront to commence project activities and reach milestones within short

time frames.¹³ These transfers are also at times conditional on the completion and impact of certain activities, which introduce high degrees of uncertainty and risk for CSOs. Fourth, economies of scale tend to pre-determine, to a large extent, the organisations that can benefit from these public funds (Casanova, Guerreiro and Pervova, 2018^[22]). Indeed, the availability of robust capacities and resources to apply for these complex tenders are important factors inhibiting smaller organisations from applying for them. Together, these challenges show the need to facilitate access to a more diverse pool of resources, in particular to address the existing over-dependence of the sector on ad hoc, short-term and fragmented source of funding. The government could reflect on the good practice of Estonia and consider creating a comprehensive foundation for supporting CSOs by providing funding, trainings, consultation and exchange opportunities to build the capacity and sustainability of CSOs (Box 4.2).

Box 4.2. CSO capacity building in Estonia – the National Foundation of Civil Society

The National Foundation of Civil Society (NFCS) is a state-financed fund to support CSOs and build their capacity to pursue their objectives, with the aim to create a strong and sustainable civil society. The Foundation was established in 2008 and has been the main organisation to carry out the Estonian strategy to promote an enabling environment for CSOs (Estonian Civil Society Development Concept) through Civil Society Development Plans, its five-year governing documents.

NFCS provides funding through open calls for proposals with the purpose to strengthen the operational capacity of CSOs, regardless of their field of activity. Annually, it distributes about EUR 1 million and supports more than 100 projects and initiatives. In addition, NFCS support research on civil society and mediate international funding programmes to help Estonian CSOs apply and qualify for additional funds. In cooperation with regional governments and development centres, it also supports CSOs by providing consultation on a variety of topics, such as how to start an NGO, how to apply for funding and how to become a sustainable organisation. NFCS funds the development of skills such as improving leadership, communication, social entrepreneurships, advocacy, achieving impact and international cooperation with other CSOs. Further, it offers training courses and opportunities for CSOs to exchange experiences. To support innovative ideas, NFCS has a special acceleration and funding programme, NULA, focused on solving societal problems in Estonia.

Source: Government of Estonia (n.d.^[33]), National Foundation of Civil Society, <https://kysk.ee/en/>.

A good practice to channel government funds has been the establishment of formal co-operation agreements with organisations delivering public services in the social security and health sectors. With the growing reliance on the work of private institutions and NGOs such as Holy Houses of Mercy (Misericórdias Portuguesas), these agreements are developed every two years by the Ministry for Solidarity, Employment and Social Security; the Ministry of Health; and other relevant public institutions to provide more consistent and predictable sources of funding (FRA, 2017^[20]; Casanova, Guerreiro and Pervova, 2018^[22]). These mechanisms define a set amount of the state's financial support according to the different types of social responses to be employed, such as supporting child and youth homes, managing centres for the elderly, providing temporary housing and medical support. In the latest 2021-22 protocol, support by the Social Security Institute increased by 3.6% for solidarity responses, amounting to a total value of EUR 8 million (as per Clause II of the agreement), including funding for initiatives on employment, health, education and early childhood development and protection¹⁴ (Government of Portugal, 2021^[34]). While this model has been successful, stakeholders during OECD interviews revealed that these mechanisms still have their limitations, in particular as funds are at times insufficient and difficult to renegotiate in the case of unexpected price fluctuations (e.g. of oil prices, medical equipment).¹⁵ Access to these protocols is also limited in number, often excludes advocacy and watchdog types of organisations, and imposes burdensome procedures that may discriminate against smaller CSOs that are not part of unions or national platforms.

Financial resources allocated by subnational governments have also historically represented a lifeline for the survival of small and local CSOs. Stakeholders during OECD interviews noted that municipalities cover fees for the constitution of new organisations and provide ad hoc funding opportunities to support the delivery of local programmes.¹⁶ In the context of the COVID-19 pandemic, these actors have provided significant financial support considering the difficulties faced by the non-profit sector to fundraise. In 2020, the municipality of Torres Vedras, for example, established an emergency fund of approximately EUR 2 million to support the operation of local CSOs, as well as other actors, to enable their contributions to crisis response and recovery measures and to relieve economic pressures from the crisis (Municipality of Torres Vedras, 2020^[35]; 2020^[36]). Nevertheless, the availability of local funding remains uneven across regions and is less prominent in smaller and poorer parishes.¹⁷ Given their proximity to citizens, enabling a co-ordinated approach with subnational governments to expand localised sources of funding could better support smaller CSOs in representing marginalised communities and providing services that are not offered at present. As discussed in Section 4.1.2, such arrangements could be part of a national strategy to better support the sector.

At the same time, private donations have also been an important source of income for certain CSOs in Portugal. While these sources represent a smaller share of the overall funding available to the sector, studies reveal that individual contributions significantly outweigh those from corporations in comparison (Casanova, Guerreiro and Pervova, 2018^[22]; Campos Franco, 2015^[18]). As per Law No. 16/2001 (Assembly of the Republic of Portugal, 2001^[12]), individuals can allocate part of their income tax return to organisations, “equivalent to a 0.5% quota of the personal income tax paid on the basis of annual returns” or “any other discretionary amount as long as it is indicated in the personal income statement”. This process is centralised by the Portuguese Tax Authority, which compiles and subsequently publishes a list of eligible CSOs. Organisations that can benefit from this modality must have the “public utility” designation and include religious institutions, private social security institutions, environmental organisations, cultural associations and youth organisations.¹⁸ CSOs undertake seasonal campaigns in order to benefit from these contributions. During OECD interviews, the government reported that the number of organisations using this system has increased, with 4 200 receiving individual donations in 2019 compared to 3 400 in 2016. Nevertheless, there is a long road ahead to ensure that large and small organisations alike can access this support. CSO stakeholders during OECD interviews underlined that most funding goes to big organisations, there is a high degree of competition and the process to access this mechanism is burdensome.¹⁹ The government could therefore focus efforts on improving access to this type of funding including by developing information packages (e.g. flyers, guidelines, a portal) and undertaking targeted communication campaigns to raise awareness on how to access these types of funds. In addition, the government could consider increasing the quota of the personal income tax returns that can be allocated to CSOs.

With the Guiding Principles introducing a paradigm shift to place citizens at the front and centre of public services, the government of Portugal could use this reform momentum to reflect on the needs of the sector and identify avenues to address the aforementioned challenges (Table 4.1). Efforts in this regard will be of particular importance, as the successful implementation of this methodology will depend on the ability of CSOs to continue delivering high-quality services and serving marginalised groups.

In particular, efforts would benefit from collecting and centralising up-to-date data on funding for the sector and the available opportunities for financial support. The lack of consolidated data on funding sources for CSOs, including from within the government, has made it difficult for ministries and other state institutions to identify gaps and assess support that is available across a wide breadth of funding mechanisms. As in many OECD Members, the absence of systematic data collection together with an up-to-date overview of the available funds makes it difficult to strengthen existing disbursement mechanisms and to monitor funding trends (OECD, 2022^[1]). To promote a more strategic approach to supporting CSOs, the government of Portugal could consider collecting, centralising and publishing information from different ministries by funding modality, type of support and area of focus. To ensure this information is accessible,

public authorities will ultimately need to address the existing administrative burdens inhibiting the operation of these actors, which will be assessed in depth in the following subsection.

Table 4.1. Overview of obstacles for the civil society sector in Portugal to access funding

Type of funding	Main obstacles
Government funding	<ul style="list-style-type: none"> • Over-reliance of CSOs on this type of funding. • Insufficient resources disbursed. • Short-term time frame of funding. • Low levels of awareness due to the ad hoc, fragmented and disjointed nature of available funding opportunities. Communication around these opportunities is limited and dispersed. • Allocation of funding to a limited list of priority policy issues. • High-risk financing modality introducing the need to incur a debt upfront and conditioning the transfer of funds upon the completion of project activities. • Access to funds predetermined by economies of scale. • Complex application process to access funds. • Administrative burdens.
International funding	<ul style="list-style-type: none"> • Accessed is through open calls managed by government institutions. • Burdensome processes that can favour long-term and large-scale projects. • Limited scope of policy issues that does not represent the diverse Portuguese sector. • Limited support from foundations.
Donations from individuals	<ul style="list-style-type: none"> • High degree of competition. • Only organisations with the “public utility” designation can benefit from this type of funding.
Donations from the private sector	<ul style="list-style-type: none"> • Very limited in number. • Incentives for corporations to donate have decreased in light of the negative economic impacts of the COVID-19 pandemic. • Absence of tax incentives for corporations to provide funding for CSOs

Source: Author’s elaboration.

Administrative requirements

The government has made important efforts to simplify administrative procedures for the registration of CSOs in recent years. In a positive step, as part of the SIMPLEX programme, the administration has introduced reforms to facilitate the legal constitution of NGOs as part of the Association in an Hour Programme (Associação na Hora) (Government of Portugal, n.d.^[37]). Through 176 civil registry offices, notaries and Citizen Shops, CSOs can be created in less than an hour in a single location (FRA, 2021^[3]).

However, challenges persist in relation to administrative obligations. Various obstacles impact large and small organisations alike in their ability to be legally constituted, access funding, regularise their fiscal activities – pay taxes on time, have a fiscal number – and benefit from tax exemptions²⁰ (OECD, 2022^[1]). Indeed, the lengthy and at times unclear nature of bureaucratic procedures can have serious repercussions not only on the livelihood of the civil society sector, but also on the availability and quality of social services that have been traditionally co-delivered with these actors.

With the rapid expansion of the sector in Portugal, laws and regulations governing its functioning have increased in number and complexity. The scattered and intricate interplay of requirements regulating the legal constitution and activities of different types of CSOs has generated confusion on the steps to register and other formal obligations (EU, 2010^[38]). While the process to legally constitute a non-governmental association has been simplified, for example, some actors must still undertake additional registration procedures in order to operate. Although it is not a focus of this review, a clear example is the NGDO sector, where organisations must undergo an extensive process regulated by Law No. 66/98 to be recognised once constituted and apply for a renewal application every two years. Among the requirements, NGDOs must provide a deed of establishment, a copy of the announcement by the government on its creation, an activity plan and proof of financial sustainability (Camões Instituto da Cooperação e da Língua,

2021^[39]). Private social security institutions that support the delivery of social services and programmes must also undertake a similar lengthy process with the Social Security Institute²¹ (Government of Portugal, 2014^[19]). To remedy this problem, the government could consider conducting a thorough legal review, in consultation with CSO stakeholders, to identify superfluous and overlapping legislation, as well as simplify the legal framework where possible to avoid confusion, potentially by merging requirements in a more comprehensive, simplified framework.

The introduction of fees has also discouraged the creation and operation of small CSOs. The “Association in an Hour Programme” requires the payment of a fee – depending on the nature of the organisation being registered – of up to EUR 300, for example.²² This is a key precondition for these actors to apply for and access public funding (Government of Portugal, 2019^[40]). The use of fees, thus, not only risks discouraging small CSOs from registering, but also poses barriers to the financial sustainability of the sector (OECD, 2022^[11]).

Complex processes to regularise fiscal activities and benefit from tax exemptions also pose risks to the livelihood of certain CSOs. With limited structures and personnel, CSOs often face difficulties in complying with social security and tax legislation, given the complexity of these processes and the various legal restrictions that do not account for organisations that operate on a voluntary basis. This is especially problematic for small organisations that do not have the staff or knowledge to apply for the public utility status nor comply with the fiscal and administrative requirements. Indeed, a general remark from CSOs during OECD interviews was the lack of distinction between the non-profit and the private sector, with the non-profit sector often bound by similar fiscal obligations.²³ There is an opportunity to identify and adjust specific tax incentive regimes and fiscal reporting procedures to the needs and capacities of smaller CSOs.

Challenges were also raised regarding obligations introduced with the adoption of the Central Register for Effective Beneficiaries under Law No. 89/2017 (Assembly of the Republic of Portugal, 2017^[41]) and as part of broader commitments towards preventing money laundering and the financing of terrorism. Notably, this database is a welcome step towards greater transparency, as it seeks to gather “sufficient, accurate and up-to-date information about the legal individual(s) who have ownership or effective control of the entities subject to it”. It requires CSOs to register the information of managers, directors and beneficial owners. As part of this process, local organisations have nevertheless underlined increasing burdens, difficulties in identifying a specific individual or group of beneficiaries, the lack of distinction between for-profit and non-profit organisations and insufficient clarity in terms of the content and form of compliance of obligations (CIVICUS, 2019^[42]). This can be especially problematic given that failure to comply may result in a fine of between EUR 1 000 and EUR 50 000.

4.2. The right to participate in decision making: A review of key governance frameworks, tools and practices

Stakeholder and citizen participation in decision making, including in public service delivery and design, is facilitated by having: the right enshrined in the Constitution and relevant legal frameworks; adequate institutional and policy frameworks to foster and enforce participation; and the mechanisms and tools available to empower rights holders, including marginalised groups.

Box 4.3. The OECD concept of participation

The OECD defines participation as “all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery” (OECD, 2017^[2]). It thus refers to public institutions’ efforts to communicate (information), hear (consultation) and integrate (engagement) the views, perspectives and inputs from stakeholders and citizens into policies and services. To foster participation, Provisions 8 and 9 of the OECD *Recommendation on Open Government* (OECD, 2017^[2]) invite Adhering countries to:

8. “Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle and service design and delivery [...] specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented or marginalised groups in society, while avoiding undue influence and policy capture”; and

9. “Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools [...]”. (OECD, 2017^[2])

Participation is not a linear concept and has different modalities, degrees of involvement and impact. The OECD distinguishes three levels of participation according to the level of involvement:

- **Information:** an initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both on-demand provision of information and “proactive” measures by the government to disseminate information.
- **Consultation:** a more advanced level of participation that entails a two-way relationship in which stakeholders provide feedback to the government and vice versa. It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process.
- **Engagement:** when stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy cycle and in service design and delivery (OECD, 2017^[2]).

Source: OECD (2017^[2]), Recommendation of the Council on Open Government, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438>.

4.2.1. Legal, policy and institutional frameworks governing participation in service design and delivery

An enabling environment for stakeholders and citizens to participate in the policies and services that affect their lives requires robust legal, policy and institutional frameworks. Complementing the constitutional right to participation, Portugal has adopted relevant legislation that enables participation in different aspects of public life, including in the service cycle. While these legal commitments have effectively increased the number and variety of stakeholders involved, the disjointed policy frameworks and fragmented institutional ownership of the participation agenda, both of which are discussed below, hinder their impact and potential.

The legal framework governing participation

In Portugal, the right to participation in public life is firmly grounded in the Constitution and safeguarded in legislation. The people exercise political power through universal, equal, direct, secret and periodic suffrage; by referendum; and through other forms specified in the Constitution (Library of Congress,

2021^[41]). Importantly, Article 109 recognises that “the direct and active participation of men and women in political life is a fundamental condition and instrument for consolidating the democratic system”.

Two government decrees are particularly important for stakeholder and citizen participation more generally in service delivery and related policymaking. Decree-Law No. 135/99 (Government of Portugal, 1999^[43]) establishes measures for administrative modernisation, including those for receiving compliments, complaints and suggestions from users, in view of assessing the quality, suitability, waiting time and cost of a service. The decree also includes evaluation measures by users of the public service locations and lines, the public administration portals and websites, as well as the different types of communication with the administration, such as telephone helplines and the citizen’s line, which is a single number giving access to all public services provided by the central public administration. Furthermore, it recognises the right of users to request a progress report on the administrative procedures concerning them, orally or in any written form, including by email or by submitting a request at the electronic one-stop shop, on portals or websites of the competent services or bodies. This decree applies to all services provided by the central, regional and local administrations, as well as to other entities providing services with public funds. Decree-Law No. 274/2009 (Government of Portugal, 2009^[44]) regulates procedures on consultations on legislation and policy that fall under the government’s authority. It defines two modalities for consultations: direct consultation, which is carried out with specific stakeholders on an issue relevant to them; and public consultation, which is conducted through the publication of draft legislation on a government portal, accompanied by an explanatory note, whereby any citizen can provide comments and input within a specific timeframe.

The policy framework governing participation

Portugal’s high-level political commitment to foster the implementation of participation practices in public services (Section 1.3 in Chapter 1) is supported by a diverse set of policy documents, including strategies, road maps and plans. Importantly, this commitment is reiterated in the Guiding Principles where Portugal calls on public sector providers to promote participation at all stages of the process, particularly from excluded or disadvantaged groups, as well as developing right-holders’ and duty-bearers’ capacities, specifically:

Principle 1: When designing a new service, it should be ensured that citizens are involved at all stages of the process, whether in the research, co-creation or new service piloting and monitoring, ensuring that it avoids inequalities, discriminatory practices or unfair power relations that may promote fundamental rights alienation.

Principle 8: To guarantee stakeholders’ empowerment, it is crucial to ensure that duty-bearers have the knowledge, mandate, resources and willingness to fulfil their obligations and that right-holders know, in turn, how to claim them and who they can hold responsible for any gaps, ensuring accountability, transparency, participation and non-discrimination. (Government of Portugal, 2021^[28])

Another measure that reflects the government’s commitment is the recent adoption of Resolution No. 130/2021 establishing National Participation Day, which was first celebrated on 27 January 2022 (Presidency of the Council of Ministers, 2021^[45]). Participation is also enshrined in several policy documents guiding government action. For instance, one of the objectives of the Strategy for Innovation and Modernisation of the State and Public Administration 2020-2023 is to encourage informed citizen participation, with measures that include promoting electoral participation and launching a new model of participatory budgeting in Portugal (AMA, 2020^[46]). Other policy documents fostering participation include the National Strategy to Fight Corruption (2020-2024) (Government of Portugal, 2020^[47]), the National Strategy for Digital Transformation in the Public Administration, and the SIMPLEX programme for 2020-2021 (Government of Portugal, 2020^[48]). Importantly, the Transformar (transform) Programme, which promotes administrative modernisation and is managed by LabX, has a dedicated focus on participation, in addition to public service innovation and administrative simplification. Through the programme, the government aims at “developing a broad and inclusive participatory ecosystem and systematically

incorporating it into public management, in each organisational and cultural context”, which it considers fundamental to enhancing innovation (LabX, n.d.^[49]). While this programme has great potential in terms of embedding participation in the Portuguese public administration, it is still in its early stages and it remains to be seen what specific initiatives will be put in place to achieve the aforementioned objective.

Sectoral policy documents also play an important role in promoting participation in decision making concerning public services, such as the National Strategy on the Rights of the Child (2021-2024), the National Implementation Plan of the Global Compact for Migration (adopted in 2019), and the National Strategy for Equality and Non-Discrimination (2018-2030). These documents were not only elaborated in a participatory manner, but also tailored to include actions that increase the access and engagement of stakeholders in the service cycle.

Participation is an integrated part of the efforts by the Portuguese government to move towards a more open government. As discussed in Section 1.3 in Chapter 1, an important milestone in this regard was the adherence of Portugal to the OGP in 2017. Currently in the implementation phase of its 2nd Action Plan (2021-2023), the OGP represents an important means for the government to promote stakeholder participation and shape related commitments in different policy areas. Examples of relevant outcomes for participation from the 1st Action Plan are the elaboration of the [ConsultaLex.gov](https://www.consultalex.gov.pt/) platform and the organisation of the open government week to increase awareness of the principles of transparency and participation (Government of Portugal, 2018^[50]). Currently, the 2nd Action Plan has two commitments related to fostering participation in public services: Commitment 3, on developing inclusive service channels for accessing public services; and Commitment 9, on promoting civic participation by boosting access to information (Government of Portugal, 2021^[51]). However, both action plans have focused more on transparency measures, such as open data and access to information than on advancing the participation agenda as a whole.

In sum, Portugal has made considerable efforts to embed participation in high-level policy frameworks, yet these efforts remain disjointed. While various policy documents all aim to further participation in their specific areas of implementation, there is a lack of coordination and central steering of the participation agenda. There is, thus, an opportunity to develop a comprehensive participation strategy or plan to help steer the government’s vision while setting long-term objectives and milestones, improve coordination and monitor progress, possibly as part of a broader strategy supporting the civil society sector.

The institutional framework governing participation

The institutional setting for stakeholder and citizen participation differs across OECD Member and partner countries. In most countries, these responsibilities are decentralised, with several offices sharing the mandate (OECD, 2022^[1]). In Portugal, institutional responsibilities for participation are mainly linked to efforts to move towards more digital and data-driven service delivery, which are led by the Portuguese Administrative Modernization Agency (AMA). AMA used to be integrated in the Presidency of the Council of Ministers (previously called the Ministry of the Presidency and Administrative Modernisation) but was transferred to the newly created Ministry of State Modernisation and Public Administration, under the Prime Minister, in 2019. One of AMA’s strategic objectives for 2021-23 is “Promoting the openness of public administration, reinforcing participation and transparency” (AMA, 2020^[52]) and its three action areas – public service delivery, digital transformation (and simplification) and participation – put it in a unique position to lead this cross-sectoral agenda. Crucially, AMA is in charge of the implementation of the SIMPLEX programme and the Portugal Participatory Budget as well as the co-ordination of the OGP process. This includes a multi-stakeholder forum, composed of ten entities from the public sector and civil society whose mandate is to ensure the implementation of the OGP Action Plan. Furthermore, AMA is responsible for managing the network of Citizen Spots and Citizen Shops (Box 3.6 in Chapter 3). Through LabX, it also oversees the implementation of the Transformar Programme and leads the development of several participatory mechanisms such as [ePortugal.gov](https://www.ePortugal.gov.pt/) and [Transparência.gov](https://www.transparencia.gov.pt/) (Section 4.2.2).

Individual ministries, such as health and education, also have a key role to play in their respective sectors (Government of Portugal, 2022^[53]). The current Government Programme notes that public participation in the life of health services is essential as it allows citizens “to become active agents in the management of their pathways in the health services, promotes the organization of civil society associations that represent the interests of users and contributes to a culture of transparency and accountability”, for example. The government has pledged to promote greater citizen participation in the continuous improvement of health services, including through users’ associations and satisfaction surveys to promote active participation in decision making. Similarly, in the education sector, the government has pledged to focus on promoting youth participation.

The advisory groups of ad-hoc oversight mechanisms in thematic policy areas are also key players in the institutional architecture of participation in Portugal. These bodies are composed of a variety of stakeholders from the public sector and civil society that are relevant to each policy area. Examples include the Commission for Citizenship and Gender Equality (CIG) and the three advisory groups of the High Commission for Migration (ACM): the Council for Migration, the Consultative Council for the Integration of Roma Communities and the Commission for Equality and against Racial Discrimination (Section 3.6 in Chapter 3). Charged with the elaboration, implementation and monitoring of relevant policy documents, these groups are particularly important in terms of ensuring inputs and perspectives from marginalised groups in the elaboration of thematic strategies and action plans.

While public institutions routinely conduct participatory practices, most lack a designated mechanism to lead and co-ordinate related activities. As a result, public officials reported that although there is a strong willingness to engage stakeholders in policies and services, institutions and personnel lack the skills, capacities and guidance to do so and also have a limited understanding of the existing legal and policy frameworks in that regard.²⁴

To conclude, the institutional architecture has enabled the elaboration of policy frameworks and mechanisms that have effectively increased the engagement and variety of stakeholders involved in service design and delivery (Section 1.2 in Chapter 1). While AMA acts as an important anchor for participation initiatives related to public services and digital transformation, that is recognised by stakeholders, it lacks the resources and high-level backing that would enable it to adequately promote this agenda across relevant public institutions and with the necessary buy-in from other ministries. There is, thus, a need to further institutionalise stakeholder participation in service design and delivery, to build up the knowledge and skills of public officials, and to clarify roles to avoid any duplication of efforts and ensure a more integrated approach. This can be achieved with strengthened coordination and further clarification on the roles and responsibilities of the various institutions. The centre of government could empower AMA by communicating its mandate on participation more widely across the ministries and ensuring it has the tools and political backing to fulfil its role. It could also assign a coordination role to a well-placed institution with the responsibility of convening the actors who engage in participation initiatives, including those related to services, to share learning and experiences, promote joined-up activities, and encourage collaboration among relevant actors.

4.2.2. Mechanisms and tools

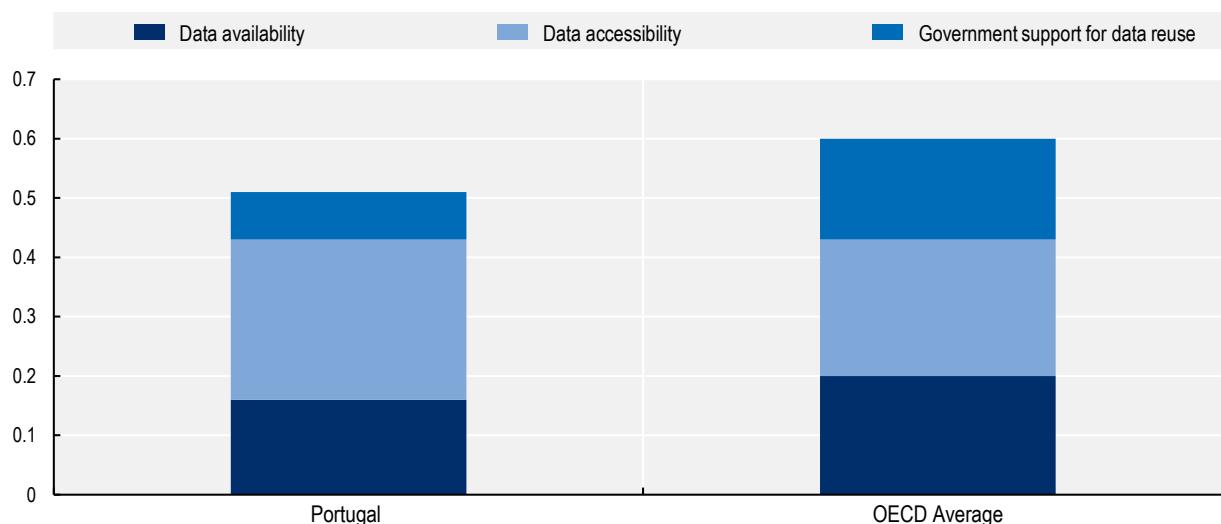
Building on the aforementioned frameworks, the government of Portugal has elaborated a wide variety of mechanisms and tools to consult stakeholders and citizens. The following section provides an overview.

Information mechanisms

This initial, highly crucial level of participation (Box 4.3) is often shaped by relevant laws on ATI, as they cover both the provision of information based on requests and proactive measures to disseminate information (Section 3.4.2 in Chapter 3). As part of information-sharing efforts, in 2018 the government released a new version of the open data portal ([dados.gov](https://dados.gov.pt)), the first centralised catalogue for open data

in Portugal where users can directly access and reuse public data sets from different public bodies and sectors. Nevertheless, as Chapter 3 highlights, Portugal currently ranks 23rd out of 34 countries on the 2019 OURData Index, with an overall score of 0.51, below the OECD average of 0.60 (OECD, 2019^[54]). As Figure 4.5 illustrates, while there has been progress in terms of data accessibility, Portugal ranks below the OECD average in terms of data availability and, importantly, in government support for data reuse. Efforts to sustain and scale impact will thus be crucial moving forward.

Figure 4.5. Portugal's score on the OECD OURData Index, 2019

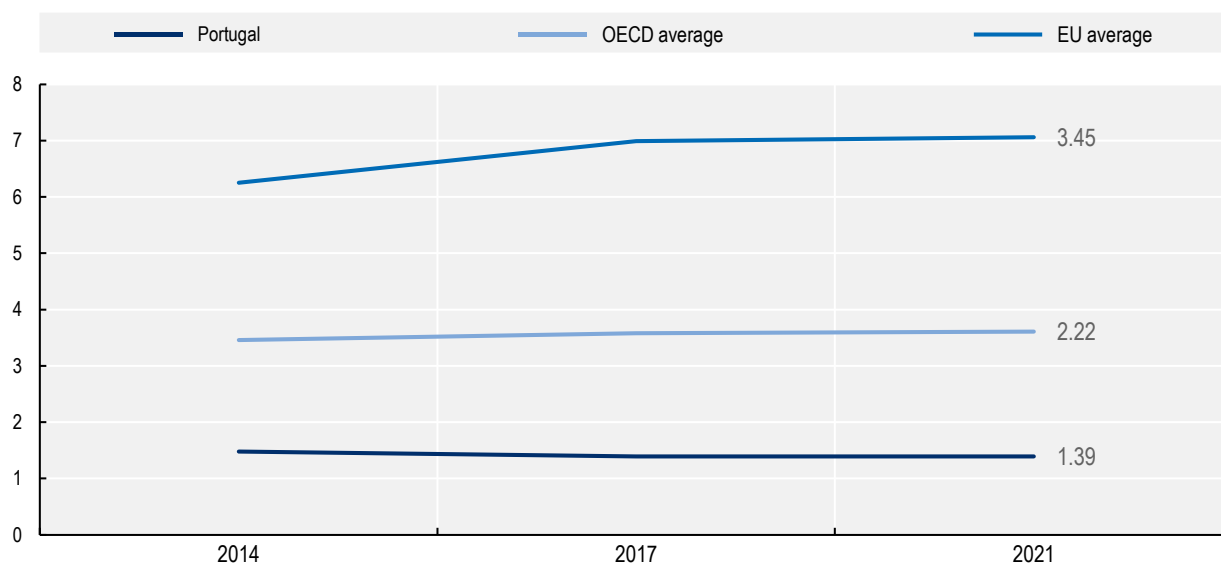


Source: OECD (2019^[54]), OECD OURdata Index (2019): Portugal country note, <https://www.oecd.org/gov/digital-government/ourdata-index-portugal.pdf>.

Portugal has also recently taken steps to develop portals for the proactive publication of sectoral information. One relevant example is the [Transparência.gov](https://www.transparencia.gov.pt) portal, which provides access to data and information on public funds, investments and other public contracts, both on the state budget and on European funds, including those on Portugal's Recovery and Resilience Plan (Government of Portugal, n.d.^[55]). The portal also offers infographics, indicators and a glossary to explain the terms used. Other thematic portals offer similar information on health, with a variety of information and data of the national health system (National Health Service, n.d.^[56]); on justice, with the publication of data, indicators and statistical information on the justice system (Ministry of Justice, n.d.^[57]); and importantly, on procurement, with the [Base.gov](https://www.base.gov.pt) portal publishing contracts for service provision to the state, allowing their follow-up and monitoring (IMPIC, n.d.^[58]). While these portals are a step in the right direction, there is limited use and awareness among stakeholders.

Consultations on legislation and policies

Portuguese stakeholders and citizens have a range of opportunities to provide feedback on new legislation and policies. For legislation, the government developed the [ConsultaLex.gov](https://www.consulta.lex.gov.pt) platform in the framework of the 1st OGP Action Plan. The platform allows citizens and stakeholders to participate in the legislative process – which can relate to services such as health, education and social security – and the possibility to formulate suggestions and accompany the evolution of particular regulations until the final approval phase. To date, the platform has gathered 3 714 comments in 224 public consultations on regulations (ConsultaLex.gov^[59]). However, according to the OECD's Indicators of Regulatory Policy and Governance (iREG), as seen in Figure 4.6, the level of stakeholder participation in primary laws is 1.39 (on a scale of 0-4); lower than the OECD average of 2.22 and the EU average of 3.45 for 2021 (iREG, n.d.^[60]).

Figure 4.6. Average stakeholder engagement in primary laws in Portugal

Source: iREG (n.d.^[60]), OECD.stat: Regulatory governance, <https://stats.oecd.org/Index.aspx?QueryId=85336>.

As mentioned above, consultations are also held on the elaboration of policy documents, as is the case in most OECD Members. Increasingly, a variety of stakeholders are systematically consulted concerning both national and sectoral policies, allowing the strategies and action plans to better reflect the challenges and needs of the target population. For instance, Roma, migrants and CSOs were widely involved in the elaboration of the National Strategy for the Integration of Roma Communities and the Strategic Plan for Migration, respectively. This practice was highlighted by both public officials and CSOs during the fact-finding mission as an area to expand in every policy and service area, as it helps to increase buy-in and effectiveness.²⁵

Participatory methods that are specific to public services

As provided by Decree-Law No. 135/99, users are informed and consulted in a variety of ways about public services (Section 4.2.1). One method is AMA's online platform (participa.gov) that allows users to provide feedback. In line with EU standards on usability and accessibility, AMA also conducts consultations with end users of its online platforms, which often relate to public services. For instance, in the framework of the SIMPLEX programme, LabX consults users of the ePortugal.gov portal to identify avenues for improvement. Another example is the Usability and Accessibility Seal, which categorises the degree of compliance by bronze, silver and gold, respectively (INR, n.d.^[61]) (Section 3.5.3 in Chapter 3). More broadly, all portals have feedback mechanisms. LabX also conducts ad hoc initiatives that aim to embed citizen participation and co-creation in the design and testing of public services, for example with language simplification workshops aimed at making public documents more accessible for citizens (LabX, 2021^[62]).

Regarding off-line methods, each service provider has a physical complaints book called the Yellow Paper Book and a box to receive complaints, compliments and suggestions. More recently, the government developed an online version of the physical book called the Electronic Yellow Book (Livro Amarelo Eletrónico). It works as a centralised online portal where stakeholders and citizens can also submit feedback regarding public services. In 2021, the government updated the portal for electronic complaints in order to make it more user-friendly (Government of Portugal, 2021^[63]). Whether a complaint is submitted online or off line, service providers are obliged to respond with due justification, and if applicable, on the

measures taken or to be taken, within a maximum of 15 days. In addition, AMA conducts ad hoc onsite user feedback sessions in Citizen Shops and Citizen Spots (Box 3.6 in Chapter 3).

Beyond what is mandated by law and the ad hoc consultations on in-person services and online platforms, there is no systematic monitoring of who is – and who is not – accessing services and providing feedback. While CSOs regularly take part in consultations, there is an opportunity to enhance the partnership between these actors and public service providers, and in particular to translate the nine Guiding Principles into action.²⁶ The lack of meaningful participation opportunities was the most frequently noted concern regarding the enabling environment for CSOs in the OECD’s public consultation for this Review.²⁷ As highlighted in Section 5.3.2 in Chapter 5, the absence of effective mechanisms for the involvement of users that systematically integrate their feedback in public service design makes participatory outcomes dependent on individuals and their personal workloads, levels of interest, context and time. More broadly, as Portugal considers the future of services in general, it will be important for the associated service design and delivery mechanisms to continually engage users in testing, iterating and improving services, including to understand challenges related to accessibility and institutionalising these processes to make them a standard feature in the development and improvement of services.

Participatory budgeting

Consultation also takes place in the regular budgetary cycle, including on the budget allocated to service provision. Among the different types of innovative citizen participation that exist, Portugal has been a champion of participatory budgeting. Since the early 2000s, it has been practicing participatory budgeting at the municipal level and has one of the highest rates of local participatory budgets in the world (Falanga, 2018^[64]). In 2017, it conducted the first nationwide participatory budget (OECD, n.d.^[65]), called the Participatory Budget of Portugal initiative, which has since become a yearly exercise. It has also supported the development of a yearly Participatory Budget for Youth (Government of Portugal, n.d.^[66]). According to the Open Budget Survey of the International Budget Partnership (IBP), Portugal’s score (17/100) is higher than the global average (14) but lower than the OECD average (21) in terms of public participation in the different stages of the budget process. The reason for the low score is that the Participatory Budget initiative only applies to a designated amount of the total budget. In addition, although citizens and stakeholders are able to participate in a hearing before the approval of the budget by the National Assembly, participation is not possible in the formulation of the full budget proposal, or the monitoring of its implementation. On budget transparency, Portugal scores higher (60/100) than the global average (45) but slightly lower (66) than the OECD average. A score of 61 or above indicates that enough material is published to support informed public debate on the budget (IBP, 2021^[67]).

To facilitate engagement in participatory budgeting processes, the government developed the [Participa.gov](https://participa.gov.pt) online platform as part of the SIMPLEX programme. The platform aims to support participatory budgeting processes by providing citizens with the opportunity to submit proposals and decide through their vote, using secure and reliable technologies such as Blockchain. To facilitate its use by public institutions, the government, through LabX, provides methodological tools for its implementation with the Kit “AP Participates” (LabX, 2021^[68]).

More innovative citizen participation practices

Public authorities at all levels of government across OECD Members have been using citizens’ assemblies, juries, panels and other representative deliberative processes to better understand their priorities and concerns over the last decades. For these processes, governments assemble ordinary citizens from all parts of society to deliberate on complex political questions and develop collective proposals. In fact, the recent OECD report *Innovative Citizen Participation and New Democratic Institutions* found that a significant percentage of these take place at the local level (52%) (2020^[69]). In Portugal, the Citizen Science

in Oeiras is a prominent example. Led by the Citizens' Forum in partnership with the Municipality of Oeiras and two research centres, the first deliberative forum was held in 2020 under the theme "How can we improve Oeiras through science?" (Citizens' Forum, n.d.^[70]). Other local examples can be found, most notably through the efforts of the Network for Participative Municipalities (Rede de Autarquias Participativas). Across its 60 members, the network aims to promote participatory democracy by facilitating good practice experiences, strengthening current participatory practices and supporting the creation of new mechanisms for citizen participation. It also promotes the empowerment of actors involved in participatory processes (RAP, 2022^[71]).

4.2.3. Implementation challenges and opportunities

While the government's efforts are notable and have indeed advanced the participation agenda in several policy areas (Section 1.3 in Chapter 1), there is a limited culture of participation, including political participation, in Portugal. This is reflected in several international rankings. Whereas in most areas related to democracy and civic freedoms Portugal is a top performer, it lags behind on participation. For instance, in V-Dem's Liberal Democracy Index, Portugal's score on the participatory component²⁸ is 42/179, below OECD and EU Members such as France, Greece and Spain (V-Dem Institute, 2023^[72]). Similarly, according to the Economist's Democracy Index 2022 component measuring political participation,²⁹ Portugal scored 6.67/10, which is the third-lowest score among western European countries (Economist Intelligence Unit, 2022^[73]). Challenges and opportunities that are specific to service design and delivery are discussed below.

Strengthening communication and feedback

Public communication plays a critical role in safeguarding an open interface between the state and its citizens. As argued in the *OECD Report on Public Communication*, internal communication efforts can help to sensitise public officials on the importance of participation in policymaking while disseminating guidelines, standards and procedures to incentivise the uptake and effectiveness of consultations. Public communication also plays an essential role in ensuring that stakeholders can engage with their government on issues that matter the most to them (OECD, 2022^[1]).

The Portuguese government uses both formal and informal means to communicate internally, with public officials, and externally, with stakeholders and citizens, on the existence of participation initiatives. Concerning services, for instance, formal events are held to present initiatives and communication is carried out on institutional and government websites, the responsible entities' social networks, and through press releases and interviews in the media, both nationally and locally. For instance, information from the Participatory Budget of Portugal initiative is released on social media (e.g. Facebook, Instagram) and is also communicated through the websites and social media of the entities involved. There are also many events across the country, the main ones being attended by high-level government representatives, and communication campaigns to raise citizens' awareness.

Despite these efforts, interviews from the fact-finding mission revealed that in practice, communication efforts either do not reach all target groups or are often provided only a few days before an event takes place. As a result, stakeholders have neither the time to prepare nor the required information to meaningfully participate.³⁰ When it comes to services, CSOs highlighted that they are rarely informed about how their feedback was integrated into service design.³¹ Ultimately, this discourages them from participating, as they do not feel that their feedback is used.

There is, thus, a need to ensure that public officials prepare a communications strategy for each participatory process, including on services, to foster timely information to allow more meaningful engagement, such as the purpose and the expected outcomes of an initiative, using a variety of channels to engage different demographics. Establishing effective feedback loops is also important to ensure participants that their time and efforts are taken into account, as well as to communicate with the broader

public to ensure transparency and gain trust in the decisions made. Providing clear justifications regarding inputs that are not used or implemented is key in this regard.

Strengthening inclusion and representation of stakeholders

Ensuring inclusiveness and equality for all segments of society, in particular vulnerable, under-represented or marginalised groups, is key to promoting an open government and a healthy and protected civic space. The ability of governments to be responsive to the needs of different population groups is an important determinant of public service satisfaction (Baredes, 2022^[74]) and mechanisms to collect citizen feedback and promote their engagement in the design and delivery of services are key. The government of Portugal has made efforts to engage a wider range of stakeholders; measures targeting specific groups, such as migrants, Roma and people of African descent, in both the elaboration of sectoral policy documents and in their implementation are discussed in Section 3.3 in Chapter 3. These policy plans include a variety of initiatives targeting public services in education, housing and health. As further discussed in Sections 4.2.2 in this Chapter and 5.3 in Chapter 5, AMA also has a series of initiatives to collect feedback on services from end users.

However, as highlighted by Falanga (2018^[64]), there is a lack of evaluation from both national and local participatory initiatives, and therefore a “lack of data about who is actually participating in these processes”. This was confirmed during the OECD interviews, where public officials recognised the complexity of scaling the numerous pilot projects given the limited evaluation undertaken, as well as the need to develop an omni-channel vision to ensure the quality of public services.³² This is also consistent with findings in Chapter 3, which highlight the need to identify where and why stakeholders are being discriminated against to improve access and engagement on services with targeted policies. For instance, although Decree-Law No. 135/99 requires all public sector providers to allow users to provide feedback, make suggestions and file complaints, data are rarely published or used to analyse trends, emerging needs or gaps in services. There is, thus, a need to put in place mechanisms to systematically collect data on participatory initiatives related to services as well as to widen access to them. Through ongoing monitoring and evaluation, service providers and policymakers can better understand who is being excluded from accessing and participating and take measures to address this by targeting under-represented groups.

At times, the ability to participate in a process is dependent on resources. For instance, traveling to a certain location, or accessing a complex website can be a challenge for someone with limited accessibility and digital skills. The number of parallel processes going on at the same time can also be a factor, since many stakeholders and citizens participate on top of their usual busy agendas. This leads to limited representativeness of the stakeholders and citizens who are informed and engaged. When implementing digital participatory processes and services, public authorities should always take into consideration the existing “digital divides” (i.e. people who do and people who do not have access to – and the capability to use – digital technologies) and avoid the emergence of new forms of “digital exclusion” (i.e. not being able to take advantage of digital services and opportunities), as further explored in Section 3.5.3 in Chapter 3. One way to tackle the digital divide in participatory mechanisms is to systematically propose a non-digital alternative to ensure the inclusion of digitally excluded populations. Participatory processes, as well as public services, should always aim to provide equal access and opportunities for all members of the population, and should be coordinated to limit the number of parallel initiatives competing for attention. Non-digital alternatives can be, for example, a physical vote, consultations by phone or any other in-person mechanism (workshops, kiosks, paper mail, etc.). As argued in Section 4.1, there is also an opportunity to enhance the partnership between CSOs and public service providers to increase the participation of a wider range of stakeholders and the representation of different populations groups in the design and delivery of public services.

Moreover, there is a need to tailor communication to reach a wider range of stakeholders from different population groups (i.e. youth, elderly, disabled populations). To that end, the use of audience insights can

aid in the delivery of personalised messaging and the use of adequate channels to raise awareness of a participatory process, expand its reach and support the participation of a wider range of stakeholders. For instance, younger citizens might prefer online and social media, whereas seniors might be easier to reach by post, printed newspapers or posters in their local supermarkets. Efforts should also be made to improve comprehensibility of information by promoting the use of plain language in interactions with stakeholders, in official documents and calls for consultations. For instance, additional measures could be put in place to ensure that information is easily accessible for people with special needs to guarantee that public officials are reaching all groups in society. The government could also develop good practice principles for plain language and ensure their promotion and dissemination.

Developing the necessary resources and skills

Every participatory process requires dedicated resources to be successfully implemented and result in useful outputs for decision makers. The necessary resources vary depending on the design and implementation of the process. These can be human (i.e. sufficient staff to organise the process, recruit participants, develop information resources, facilitate interactions, answer requests, communicate, analyse and synthesise the inputs), financial (i.e. cover the cost of human resources, meeting venues and catering, digital platform licenses, public communication) and technical (i.e. development of digital tools, software licenses, computers, tablets, cloud services).

Most public institutions and service providers, both at the national and local levels, reported lacking the necessary capacities and skills for implementing participatory initiatives. Most do not have a dedicated unit, team or person in charge of stakeholder and citizen participation, with the responsibility being added on to existing duties. While AMA does provide support to public bodies in implementing participatory practices, these fall short of existing needs. In addition, there is a lack of co-ordination and support across levels of government, where municipalities often face even more challenges in terms of resources and tools to engage with stakeholders.

Given the key role AMA plays in this regard, there is an opportunity to ensure it has the necessary tools and resources to co-ordinate participation practices across the public sector, in line with its mandate and objectives. Manuals or handbooks to guide public officials in the implementation of the legal and policy framework, and technical tools to facilitate the organisation of participatory processes, as well as their monitoring and evaluation could be helpful in this regard. To guide this work, *OECD Guidelines for Citizen Participation Processes* provides step-by-step guidance for citizen participation that could serve as an initial reference to be adapted to the specific context of Portugal (Box 4.4).

Box 4.4. Ten steps for planning and implementing a citizen participation process

The OECD has outlined the following ten-step path for planning and implementing a citizen participation process:

1. **Identify the problem:** The first step when deciding if citizen participation is necessary is to identify if there is a genuine problem that the public can help solve. It is also important to be clear about the stage of the decision-making process in which citizens' inputs are most valuable and can have influence.
2. **Define the expected outcome:** Before involving citizens, it is essential to have a clear understanding of the expected outcomes of the process. This means the desired type of inputs and the impact they will have on the scope of your project.
3. **Identify the relevant public to be involved and recruitment method:** The next step is identifying the public to be involved in the process, depending on the purpose. This decision will affect how the public will be selected or recruited.

4. **Choose a participation method:** Once the problem to solve, the expected inputs and the public have been identified, it is time to choose the method of participation. Many different methods can be used to engage citizens in any given context, including information and communication, open meetings/town hall meetings, civic monitoring and representative deliberative processes, among others.
5. **Choose the right digital tools:** Digital tools allow stakeholders and citizens to interact and submit their inputs in different ways and should be chosen to facilitate the participation method. In this context, existing digital divides should be taken into account and, when possible, digital tools should be used alongside in-person methods.
6. **Communicate about the process:** Clear and understandable public communication can help at every step of the way – from recruiting citizens, to ensuring the transparency of the process, to extending the benefits of learning about a specific policy issue to the broader public.
7. **Implement the participation process:** The implementation of a participation process largely depends on the method chosen. However, some general considerations include preparing an adequate timeline, identifying the needed resources, ensuring inclusion and accessibility and considering a citizen’s journey through the process.
8. **Use the input and provide feedback:** Input received from citizens as a result of a participation process should be given careful and respectful consideration with clear justifications if any input or recommendation is not used or implemented. Feedback should be given to participants about the status of the continued process and how their input was used.
9. **Evaluate the participatory process:** Evaluation allows measuring and demonstrating the quality and neutrality of a participation process to the broader public. This can increase trust and legitimacy in the use of participation processes for public decision making and can be a learning opportunity by providing evidence and lessons on what went well and what did not.
10. **Foster a culture of participation:** Support the shift from ad hoc participation processes to a culture of participation by embedding institutionalised participation mechanisms, multiplying opportunities for citizens to exercise their democratic “muscles” beyond participation, and protecting a vibrant civic space.

Source: OECD (2022^[75]), OECD Guidelines for Citizen Participation Processes, <https://doi.org/10.1787/f765caf6-en>.

Summary of recommendations on strengthening the enabling environment for CSOs and promoting participation in the design and delivery of public services

Strengthening the enabling environment for CSOs

Portugal is committed to protecting and promoting an enabling environment for CSOs. A vibrant and diverse civil society sector has historically played an important role in public service delivery, as delivery partners, watchdogs and advocates of the needs of under-represented groups. However, the civil society landscape in Portugal is undergoing profound transformations that are introducing challenges to the sustainability of the sector. To support the important contribution of CSOs to public service delivery and strengthen their participation in public decision-making processes, the government of Portugal could consider the following recommendations:

- Develop an overarching strategy or policy framework to formalise, align and scale the work with CSOs to promote an enabling environment for the sector. A dedicated strategy would support the integration of existing siloed and disjointed efforts under a whole-of-government approach to maximise their reach, impact and sustainability.
- LabX should systematically involve CSOs in the development of an updated version of the Guiding Principles and their subsequent implementation to support their contribution to the design and delivery of inclusive, accessible and relevant public services. It could build on the gains achieved through the multi-stakeholder forum created in the framework of the OGP agenda in the country.
- Address existing financing gaps and administrative burdens hindering the ability of CSOs to operate and deliver many crucial services, by:
 - Building on existing partnerships with CSOs by expanding public funding opportunities and tax incentives, in particular for organisations working on the rights of marginalised groups, vulnerable people and minorities, as well as those doing advocacy work. The government could consider conducting a mapping exercise to identify gaps and priority needs from smaller and local CSOs that have been traditionally under-represented or excluded from public support. This exercise would benefit from opening a two-way dialogue with the sector.
 - Reinforcing CSO capacity to apply for and manage public funding through training and improved communications, in particular for smaller organisations, for example through a coordinated public fund for CSO capacity building. At the same time, ensure public officials managing CSO funds have the necessary knowledge, tools and resources to support these actors along the application process.
 - Expanding the use of co-operation protocols in the context of a wider range of policy sectors and with advocacy and watchdog organisations. A contractual modality would support the sector through the availability of medium- and long-term funding.
 - Reflecting on avenues to ensure information is easily available for large and small CSOs alike to access funding. Leveraging strategic public communication that is tailored to the needs of different audiences would be key to expanding the reach of funding opportunities to the sector.
 - Exploring avenues to leverage and expand local funding opportunities. Promoting a more co-ordinated approach between federal and subnational authorities to disburse funding could help scale financial support, reduce fragmentation and disburse funding for longer periods of time.

- Collecting, centralising and publishing up-to-date data on a central repository on the status quo of the civil society sector and the available sources of funding. This would not only improve CSOs' awareness of opportunities they can tap into, but would also enhance transparency in regard to the management of support for the sector.
- Assessing and identifying avenues to adjust specific processes for CSOs to be legally constituted, access funding, regularise their fiscal activities and benefit from tax exemptions according to the needs and institutional differences of the diverse sector in Portugal, in particular with a view to simplifying processes for small organisations and those working in advocacy.
- Providing training and developing information packages detailing the different obligations, regimes and steps of key registration and administrative processes to raise awareness among CSOs.

Promoting the participation of stakeholders and citizens in the design and delivery of public services in Portugal

Portugal has adopted relevant legislation that enable participation in different aspects of public life. However, the disjointed policy frameworks and the fragmented institutional ownership of the agenda hinder the impact and potential of the participation agenda. The government of Portugal has elaborated a wide variety of mechanisms to consult stakeholders and citizens, including providing suggestions, feedback and complaints on services and ad hoc consultations on in-person services and online platforms. However, the government faces a series of challenges to participation in service delivery, including weak communication and feedback channels, limited inclusion and representation of stakeholders as well as inadequate resources and skills. Portugal could consider the following recommendations for promoting the participation of a broad range of stakeholders in service design and delivery:

- Further institutionalise stakeholder participation in service design and delivery and avoid duplication by strengthening coordination and integration and further clarifying roles and responsibilities of the institutions involved. Institutionalisation could become a principle in the next iteration of the Guiding Principles and steps toward it could be included in a forthcoming OGP Action Plan.
 - Establishing clearer institutional responsibilities for participation and strengthening links with the open government agenda as well as identifying synergies with initiatives such as the OGP can help to ensure ownership and co-ordination among public institutions.
- Strengthen existing participatory processes by developing a comprehensive framework that ensures that stakeholders are consulted and involved consistently across the policy and service cycle. The government could develop a participation strategy or plan to steer its vision while setting objectives and measurable milestones.
- Adopt a more strategic public communication approach to raise awareness, enhance access and promote stakeholder participation in service design and delivery by tailoring communication to the needs of different population groups (i.e. youth, elderly, disabled populations) and making information more comprehensible.
 - Elaborating a communications strategy for participatory processes which follows every step of the process. This includes communicating with enough time in advance for participants to organise their attendance and to provide relevant information of the process for a meaningful engagement, such as the purpose and the expected outcomes. It is important to distinguish between communication with the participants of the process and

communication with the broader public about the participation process and to use different channels depending on the audience.

- Establishing effective feedback loops is also important to ensure participants that their time and efforts are taken into account as well as to communicate with the broader public to ensure transparency in the process and gain trust in the decisions made. Providing clear justifications and arguments if certain results are not used or implemented is key in that regard.
- Increase the inclusion and representation of stakeholders across all stages of the co-creation and delivery of public services through monitoring and evaluation and ensuring equality of access and participation. The government could put in place standardised mechanisms to more consistently make use of feedback on participatory initiatives and services.
 - To tackle the digital divide and ensure equality, the government could systematically propose a non-digital alternative to ensure the inclusion of digitally excluded populations. Non-digital alternatives can be, for example, physical votes, consultations via phone or any other in-person mechanism (workshops, kiosks, paper mail, etc.).
 - The use of audience insights can aid in the delivery of personalised messaging and the use of adequate channels to raise awareness of a participatory process, expand its reach and support the participation of a wider range of stakeholders. For instance, younger citizens might prefer online and social media, whereas seniors might be easier to reach by post, printed newspapers or posters in their local supermarkets.
 - Efforts should also be made to improve comprehensibility of information by promoting the use of plain language in interactions with stakeholders, in official documents and calls for consultations. For instance, additional measures could be put in place to ensure that information is easily accessible for people with special needs to guarantee that public officials are reaching all groups in society. The government could also develop good practice principles for plain language and ensure their promotion and dissemination.
 - To include and strengthen the relationships with key CSOs in service delivery, establish strategic partnerships with actors representing marginalised groups or minorities such as migrants, Roma and people of African descent, through transparent public procurement processes.
- Provide adequate capacities and skills for implementing participatory practices. The government could ensure that AMA has the necessary tools, resources and political backing to co-ordinate participation practices across the public sector, in line with its mandate. Manuals or handbooks to guide public officials in the implementation of the legal and policy framework, and technical tools to facilitate the organisation of participatory processes, as well as their monitoring and evaluation, could be helpful in this regard.
- Empower a well-placed institution to convene public sector actors who engage in participation initiatives, including those related to services, to share learning and experiences, promote joined-up activities, and promote collaboration among relevant actors.

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Notes

¹ The Core civil society index is designed to provide a measure of a robust civil society, understood as one that enjoys autonomy from the state and in which citizens freely and actively pursue their political and civic goals, however conceived. The index consists of three indicators: CSO participatory environment (Which of these best describe the involvement of people in CSOs?); CSO entry and exit (To what extent does the government achieve control over entry and exit by CSOs into public life?); CSO repression (Does the government attempt to repress CSOs?). (V-Dem Institute, 2023^[76])

² The CSO repression indicator measures the extent of CSO repression by the government. V-Dem asks: Does the government attempt to repress CSOs? Responses: Severely (0), Substantially (1), Moderately (2), Weakly (3), No (4). (V-Dem Institute, 2023^[76])

³ The CSO consultation indicator measures the extent to which major CSOs are routinely consulted by policymakers on policies relevant to their members. V-Dem asks: Are major CSOs routinely consulted by policymakers on policies relevant to their members? Responses: No (0), To some degree (1), Yes (2). (V-Dem Institute, 2023^[76])

⁴ Private social security institutions are “entities constituted on the initiative of individuals, not for profit, with the purpose of giving organized expression to the moral duty of solidarity and justice among individuals, which are not administered by the state or by an autonomous body” (Government of Portugal, 2014^[19]). The main objectives of this type of organisation include: support for children and young people; family support; protecting elderly and disabled citizens; promoting and protecting health; providing preventive, curative and rehabilitation medicine care; civic training; support for housing.

⁵ Updated data will be published by Statistics Portugal in 2023, after the publication of this report.

⁶ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁷ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁸ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁹ Examples of relevant fora for the civil society sector to advocate for the rights of marginalised groups include: the AGA Khan Development Network, annual meetings of the National Confederation of Solidarity Institutions and the Union of Portuguese Holy Houses of Mercy and the multi-stakeholder forum as part of the OGP process in Portugal. More recently, the Portuguese EU Council Presidency from 1 January to 30 June 2021 provided a platform for these actors to have a say on the priorities for activities (i.e. on climate change, the 2030 Agenda, digitalisation for sustainable development, etc.) through a public consultation led by the NGDO platform (for more information see: <https://presidency.concordeurope.org/portugal>).

¹⁰ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹² The Portugal 2020 programme seeks to allocate funds for the enabling environment of the civil society sector.

¹³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁴ Some examples of initiatives considered by the 2020-21 co-operation agreement include: the support centre for families and parental advisory services (i.e. family preservation – EUR 140.76 per individual per month); childhood and youth homes (EUR 793.95 per individual per month); and a capacity building centre for promoting inclusion (EUR 577.89 per individual per month).

¹⁵ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁶ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁷ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁸ The following decrees regulate this mechanism for each of the aforementioned actors, including: religious institutions (Article 3.4 of Law No. 16/2001); private social security institutions (Article 32.6 of Law No. 16/2001); environmental organisations (Articles 14.5 and 14.7 of Law No. 35/98); cultural institutions (Article 152 of the Personal Income Tax Code (Assembly of the Republic, 2014_[77])); and youth organisations.

¹⁹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁰ Portuguese civil society benefits from the following tax exemptions (OECD, 2022_[11]):

- Income taxes: charities, non-governmental organisations and public utility institutions that pursue cultural, scientific, charitable, assistance, social solidarity and environmental protection purposes are exempt from income tax (Article 10^o of the Corporate Income Tax Code). (https://info.portaldasfinancas.gov.pt/pt/informacao_fiscal/codigos_tributarios/CIRC_2R/Pages/circ-codigo-do-irc-indice.aspx). Donations to these types of institutions are deductible for tax purposes with an increase depending on the purpose for which they are intended, whether social, cultural, environmental or scientific (Article 62 of the Fiscal Benefits Statute

(https://info.portaldasfinancas.gov.pt/pt/informacao_fiscal/codigos_tributarios/bf_rep/Pages/estado-dos-beneficios-fiscais-indice.aspx).

- Value-added tax (VAT): VAT exemptions in the Portuguese VAT code is along the lines of the European Union VAT Directive. These are, in most cases, activities of general interest carried out by non-profit organisations (e.g. Article 9 numbers 8, 14, 19 and 35 of the Portuguese VAT code). (https://info.portaldasfinancas.gov.pt/pt/informacao_fiscal/codigos_tributarios/civa_rep/pages/codigo-do-iva-indice.aspx).
- Benefits granted to the “Santa Casa da Misericórdia de Lisboa” (charity), private institutions of social solidarity (charities), firefighters associations and non-profit entities of the national science and technology system through the reimbursement of the total or partial amount equivalent to the VAT incurred in certain purchases of goods and services (Decree-Law No. 20/90 (Government of Portugal, 1990^[78]) and Decree-Law No. 84/2017 (Government of Portugal, 2017^[79]) and their amendments).

²¹ According to the Practical Guide for the Constitution of Private Social Security Institutions (Government of Portugal, 2014^[19]), the registration of these organisations involves the submission of the following documents: a copy of the constitution act of the entity; an action plan; a copy of the legal person identification; the denomination, address, goal and activities of the institution; and its composition, organigram and financial regime.

²² The registration of a non-governmental organisation requires the payment of EUR 300, with the exception of student associations (which are free) and youth associations (which are reimbursed once the organisation is recognised by the Portuguese Institute of Sports and Youth).

²³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁵ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁶ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁷ The OECD Observatory of Civic Space held an online public consultation from October 2021 to February 2022 to provide recommendations to the government of Portugal. A total of 27 contributions were received and 14 underlined stakeholder participation as a key issue to address.

²⁸ V-Dem’s Liberal Democracy Index measures the complexities of electoral, liberal, participatory, deliberative and egalitarian democracies. The Participatory Component Index takes into account four important aspects of citizen participation: CSOs; mechanisms of direct democracy; and participation and representation through local and regional governments. Four different V-Dem indices capture these aspects and are the basis for the Participatory Component Index (V-Dem Institute, 2023^[72]).

²⁹ The Economist Democracy Index 2020 component measuring political participation includes indicators and public opinion surveys on: voter participation/turnout for national elections; the degree of autonomy and voice in the political process of ethnic, religious and other minorities; the percentage of women in parliament; the extent of political participation; citizens’ engagement with politics; preparedness of the

population to take part in lawful demonstrations; adult literacy; adult population following politics in the news; and efforts from authorities to promote political participation (Economist Intelligence Unit, 2022^[73]).

³⁰ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

³¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

³² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

5 Towards more inclusive, accessible and people-centred public service design and delivery in Portugal

This chapter considers the experience of designing and delivering more inclusive, accessible and people-centred public services in Portugal. First, it reviews the experience of digital government with a focus on context, underpinning philosophy and key enablers. It then analyses two case studies, the Digital Mobile Key and the Family Benefit for Children and Young People, and evaluates their performance against Portugal's Guiding Principles for a Human Rights Based Approach on Public Services. It concludes with observations on how the government can deliver on its reform agenda for the two services.

5.1. Introduction

The demand for quality service experience is at an all-time high. The transformative impact of digital technologies and data has made service experiences of all types more competitive and consumer-driven. In such competitive environments, the quality of service design and delivery becomes a point of difference, making it crucial to prioritise inclusion, accessibility and user-centricity. These considerations reflect broader societal changes that emphasise access, participation, literacy, information and concern for individual rights.

The same holds true for public services where citizens and businesses are constrained in their choice of providers. Governments are now increasingly aware of the benefits of improving service design and delivery processes, as well as their responsibility to make public services more accessible, ethical and equitable. Digital technology, data and a transformed approach to service design and delivery can help governments achieve policy outcomes and benefit all members of society as well as the internal operations of government (Welby and Tan, 2022^[11]).

This chapter follows a review of the core legal and institutional frameworks that protect civic space in Chapter 3 and an analysis of the enabling environment for civil society in Chapter 4 to explore how to design and deliver more inclusive, accessible and people-centred public services in Portugal. The first part of the chapter provides an overview of digital government in Portugal, and the second part evaluates two key services, presented as case studies, against Portugal's Guiding Principles for a Human Rights Based Approach on Public Services. The chapter concludes by outlining ways in which the Government of Portugal can make better use of civic space to deliver on its ambitious reform agenda (Section 1.2 in Chapter 1).

5.2. Setting the scene: Digital government in Portugal

Portugal is known for its effective and forward-looking approach to digital transformation and user-centric service design and delivery. Initiatives such as SIMPLEX+, Citizen Spots and the Automatic Social Energy Tariff¹ (Section 3.5.1 in Chapter 3) have won awards for their innovative approach to service design. Moreover, as noted in Chapter 1, successive Portuguese governments have consistently emphasised the importance of the transformation and quality of public services.

One indicator for the effectiveness of public sector transformation is the maturity of digital government. As discussed in Section 2.2.2 in Chapter 2, the OECD's Digital Government Index (DGI) ranks Portugal tenth among 33 participating countries (29 OECD Members and 4 non-Members) and third among European Union (EU) countries (OECD, 2020^[21]). Table 5.1 summarises Portugal's performance against the six dimensions of the Digital Government Policy Framework (Section 3.5.1 in Chapter 3).

Table 5.1. Digital Government Index: Snapshot of results from Portugal

	Digital by design	Data-driven public sector	Government as a Platform	Open by default	User-driven	Proactiveness	Composite score
Digital Government Index score	0.63	0.5	0.85	0.55	0.43	0.52	0.58
Rank among participating countries	10	10	3	26	18	10	10

Note: A total of 29 OECD Members and 4 non-Member countries (19 EU countries) participated in the Digital Government Index. The OECD Members that did not take part are: Australia, Hungary, Mexico, Poland, the Slovak Republic, Switzerland, Türkiye and the United States.

Source: OECD (2020^[21]), Digital Government Index: 2019 results, <https://doi.org/10.1787/4de9f5bb-en>.

Portugal ranks in the top ten for four of the six dimensions, including third place for “Government as a Platform”. Portugal’s strengths in these areas allow for the use of emerging technologies and data to create proactive services that meet needs without users having to engage government in the first place (OECD, 2019^[3]). A good example of how strengths in different areas of the Digital Government Policy Framework combine, leading to Portugal’s recognition as one of the most mature digital governments in the world, is the Automatic Social Energy Tariff (Box 5.1). Portugal can improve by adopting a more strategic approach to data and reaching a consensus on the use of data under the EU’s General Data Protection Regulation (GDPR) to maximise the benefits of data, especially where personal data are not involved (European Union, 2016^[4]).

Box 5.1. The Automatic Social Energy Tariff

The Portuguese government created a Social Energy Tariff to assist with energy costs in 2010. The service required eligible users to sign up and register to receive it, but the initial data showed that those who should have benefited from the tariff were not registering to receive it. User research identified that these people were unaware that they needed to apply for it. This prompted a decision to automate the process. Using Portugal’s Interoperability Platform for the Public Administration (iAP), data could be shared between the Directorate General for Energy and Geology, energy companies, the tax system, and the social security system. As a direct result of being able to use the iAP, the now *Automatic* Social Energy Tariff resulted in an almost fivefold increase in the number of households benefitting in just three months, from 154 648 in March 2016 to 726 795 by June of that year, providing financial support to 7% of the Portuguese population for the cost of their energy without requiring them to validate their eligibility.

This example demonstrates:

- **Digital by design** with the government reimagining an existing policy and then redesigning the existing solution to take advantage of technology.
- A **data-driven public sector** that uses data to baseline initial adoption rates, interrogate why adoption was lower than expected and measure the impact of the change. The automated process relied on having quality data in different public institutions and effective data sharing.
- **Government as a Platform** in having the underlying technical infrastructure to facilitate a transformational approach to providing the service.
- **Open by default** in recognising that solving a whole problem from end-to-end necessarily means collaborating across organisational boundaries to share data and collaborate effectively.
- **User-driven** in recognising and understanding the needs and behaviours of eligible users to design an effective service.
- **Proactiveness** by removing the need for citizens to initiate a transaction with government, allowing eligible citizens to automatically receive the benefit to which they are entitled.

Source: OECD (2019^[3]), *The Path to Becoming a Data-Driven Public Sector*, OECD Digital Government Studies, OECD Publishing, Paris, <https://doi.org/10.1787/059814a7-en>.

Table 5.1 also shows two areas in which Portugal’s performance is less impressive. These areas – namely “open by default” and “user-driven” – are where the linkage between digital government and civic space is at its strongest.

Being user-driven is a crucial aspect of inclusive, people-centred public services. This ambition is contained within several strategic documents discussed more fully in Chapter 1 such as the XXII Constitutional Government Programme (2019-2023) (Government of Portugal, 2019^[5]), the National Strategy for Innovation and Modernisation of the State (2020-2023) (Government of Portugal, 2020^[6]), the

National Recovery and Resilience Plan (Government of Portugal, 2021^[7]) (Section 1.2 in Chapter 1) and the Open Government Partnership plan (AMA, 2021^[8]) (Section 1.3 in Chapter 1). Governments that are user-driven adopt inclusive methodologies to emphasise the participatory role of people in identifying their needs and shaping the processes, services and policies that respond to them (OECD, 2020^[9]). Leading countries in this area use policy levers or monitoring efforts to embed particular ideas and habits into the activity of government, but these are less well-developed in Portugal. The DGI highlights three areas – structured guidelines for engaging users, connecting work on digital divides across government and coherently measuring satisfaction – on which Portugal could place more focus.

Portugal's lowest performance in the DGI is in the area of “open by default”. This dimension looks at how government data and policymaking processes (including algorithms) are made available for the public to engage with, within the limits of existing legislation and in line with the national and public interest (OECD, 2020^[9]). This is a crucial aspect of protected civic space as it allows people to inform themselves about public policymaking and to take informed positions in public debates. Portugal's weaker position in this dimension echoes the findings of the 2019 Open, Useful and Reusable Data Index (OURdata) (Section 3.5.1 in Chapter 3), where Portugal scored below the OECD average, and was ranked 23rd out of 34 countries (OECD, 2020^[10]). Although this was an improvement from the previous edition and there is optimism about Portugal's performance in the forthcoming index, Portugal underperformed in terms of data availability and government support for the reuse of data. While efforts have been made to promote open data reuse outside the public sector, the level of support, including for open data training, remains low and reflects a gap between the stated strategic ambition for inclusive engagement and actual involvement of citizens and civil society.

The scores for “user-driven” and “open by default”, thus, indicate that despite strategic efforts and high-level commitment, there is work to be done in both areas.

5.3. Factors influencing public service design and delivery in Portugal

Digital government maturity helps to strengthen civic space in general as it offers greater access to services and allows continuous feedback from users. Equally, better quality services are a result of a healthy civic space and active participation of citizens and stakeholders in their development. This Review offers the OECD an opportunity to perform a dedicated analysis of the relationship between civic space and service design and delivery.

The OECD Framework for Service Design and Delivery provides a comprehensive lens for assessing the opportunities for digital practices, enabling technology and the trustworthy use of data to design and deliver services that are suited to the digital age (OECD, 2020^[11]). As outlined in Section 2.2.2 in Chapter 2, this Review examines the underlying context, philosophy and enablers of service design and delivery, which are all influenced by the degree to which civic space is protected in a country.

5.3.1. Context

Two elements are particularly important within the context of the reforms in the design and delivery of public services: leadership and the demographics of a country.

Leadership

In recent years, Portugal's policy and strategy documents have consistently emphasised the ongoing commitment to transforming public services at the highest levels of government, despite changes in the country's political landscape. This sustained political commitment is illustrated by the creation of a dedicated Secretary of State for Digital Transition during the XXII government, who led the development of an Action Plan for the Digital Transition (Government of Portugal, 2021^[12]). The action plan recognised

that achieving the full benefits of digital transformation requires a whole-of-society effort that prioritises digital inclusion, capacity building and transformation across both the public and private sectors. This commitment has been further extended by the XXIII government in 2022 with the appointment of a dedicated Secretary of State for Digitalisation and Administrative Modernisation reporting directly to the Prime Minister. While ministerial-level interest and focus have been powerful catalysts for change in Portugal, establishing governance structures that can embed a shift in the way public institutions and societies operate is crucial for achieving sustainable and resilient change (OECD, 2021^[13]). The Council for Information and Communication Technologies in Public Administration (Conselho para as Tecnologias de Informação e Comunicação na Administração Pública, CTIC) and the Inter-ministerial Council for Digitalisation (Conselho Interministerial para a Digitalização) are important vehicles for supporting these efforts. The CTIC provides a technical committee and advisory board to identify the priorities for digital technologies and data to improve the quality of life for citizens, while the Inter-ministerial Council provides senior leadership support to the agenda as every ministry is represented by a Secretary of State.

However, research conducted for this Review indicates that within public institutions in Portugal, the leadership for a “user-driven” and “open by default” mindset, which responds to the needs of users with inclusive and civic space supporting service design, largely depends on motivated individuals lower in the organisational hierarchy rather than those in leadership positions. During the fact-finding mission, the OECD team heard examples of managers displaying resistance to ideas of digital transformation because they came from different political parties or different geographies, for example.² Under AMA’s leadership, steps are being taken to develop a standardised methodology for working with the public in the design and delivery of public services (see Section 5.3.3) but these instruments remain voluntary and reliant on local leadership. This is in contrast to the way other aspects of participation in Portuguese public life are regulated and required by law.

AMA and LabX have traditionally been well-regarded and given high levels of political support. High-level political support is essential for AMA and LabX to ensure that when they advise public institutions on how to redesign services, priority is given to implementing these ideas beyond experimentation and pilot schemes.

Demographics

It is important for those responsible for designing and delivering public services to recognise various demographic trends in Portugal. These include a consensus among interviewees that richer, younger, Portuguese-born individuals residing in urban coastal environments are more likely to have access to public services and have greater digital confidence than their poorer and older counterparts living inland or in rural settings and having been born outside of Portugal.³

According to data from the United Nations, the median age of the population of Portugal will be 46.6 by 2025. This will make the country the third oldest population in the OECD after Japan (at 49.9) and Italy (at 48.5) (United Nations Department of Economic and Social Affairs, 2022^[14]). In the public sector, 36% of the workforce is over the age of 55, compared to the OECD average of 26% (OECD, 2021^[15]). Although it is important not to assume that older individuals lack digital proficiency, there is evidence of a significant generational divide in terms of those with the knowledge, experience and appetite for how digital technologies and data can transform public services.

Socio-economic status is another significant demographic variable intersecting with the geography of Portugal. Over half (54.4%) of the country’s gross domestic product (GDP) is concentrated in urban coastal areas, often leaving inland areas with less access to services (European Commission, 2021^[16]). Efforts have been made to address this disparity by increasing the network of Citizen Spots and Citizen Shops (Box 3.6 in Chapter 3) by 25% in the last two years.⁴ The Commission for Regional Development (Comissão de Coordenação e Desenvolvimento Regional) is also working with communities in each territory to better understand their needs, but the large scale of these regions presents challenges. For

example, in the north of the country, there are 200 municipalities, which presents a challenge for the Commission to effectively understand and represent the particular needs given that variety.

The diversity of nationality in Portugal also shapes the experience and contribution of service design and delivery. The Portuguese agricultural sector only accounts for 2.3% of the national GDP, but it is seen as an entry point into the labour market for people looking to settle in Portugal from a range of countries including Algeria, Bangladesh, Bulgaria, India, Moldova, Nepal and Thailand (European Commission, 2021^[16]; de Sousa, 2020^[17]). However, these workers may be at risk of exploitation, or live in precarious conditions, and some lack the necessary documents to formalise their presence in the country. In a very positive step discussed in Section 3.6.1 in Chapter 3, the government has established a dedicated Citizen Shop, called the National Support Centre for the Integration of Migrants, to help normalise the presence of those without documentation.

5.3.2. Philosophy

The culture, attitude and behaviour of public servants play a significant role in ensuring that the outcomes of public service reform efforts reflect an aspiration to focus on people’s real needs rather than responding to government priorities or desk-based assumptions. This necessitates understanding whole problems, achieving end-to-end solutions, consistently involving citizens and stakeholders and being agile and iterative in design and delivery activities.

Understanding whole problems and designing end-to-end solutions for users and public sector employees

Portugal has worked to solve cross-governmental challenges and understand whole problems facing users. For example, the Citizen Shop was inspired by the opportunity to gather multiple public institutions in one location to ensure different parts of connected processes could be completed at the same time. Under the previous XXII government, the Strategy for Innovation and Modernisation of the State and Public Administration 2020-2023 included a number of targets reflecting the importance of working collaboratively among different public institutions to respond to the needs of users (Government of Portugal, 2020^[6]).

As discussed in Section 1.2.1 in Chapter 1, Portugal’s National Recovery and Resilience Plan identifies 25 services to prioritise and transform in line with a “life events” model that focuses on the end-to-end resolution of a whole problem regardless of current institutional responsibility (Government of Portugal, 2021^[7]). The “life events” model can be a helpful lens for bringing together different elements, but it remains important to understand a whole problem as it manifests for a user in a particular context.

One of the most important mechanisms for carrying out efforts to solve whole problems is the SIMPLEX Programme. The SIMPLEX Programme launched in 2006 to ease the burden of interaction between citizens and government. As an agile consultation process and space where public sector actors convene alongside members of the public, civil society and businesses, SIMPLEX helps to aggregate multiple views, consider issues from different perspectives and turn those insights into action.

SIMPLEX has been complemented by the creation of AMA in 2007 and LabX in 2017. AMA and LabX have had the responsibility to inspire new ideas and encourage ministries through a collaborative approach to redesigning public services. The long-term focus on capacity building aims to give public institutions the confidence and familiarity to take greater ownership for themselves, supported by AMA and LabX offering direct delivery and mentorship as each relationship requires. The success of these efforts relies on building relationships, especially where ministry staff may find it threatening when external voices arrive to espouse new ways of working and thinking. Because both AMA and LabX have been operating without a mandate to implement recommendations, this makes it essential to build relationships with organisational leaders who are open to responding to their recommendations. It is possible that following the elevation of AMA in

2022 under the responsibility of the Prime Minister, it will be able to operate with more authority, but this will not change the importance of working in a relational way to achieve its objectives.

These initiatives have influenced a change in the approach to reforms in two notable ways. The first is in terms of access to information given the crucial role of ePortugal.gov as a focal point for online access to Portugal's public services.⁵ The second change relates to how services are provided and is discussed in the second half of this chapter (Section 5.4.1).

The result of these efforts is that the culture underpinning the reform process is changing in Portugal with a greater receptiveness toward user-driven thinking about people and particularly vulnerable groups who cannot access services for a variety of reasons (Section 3.5.3 in Chapter 3) as well as creating a more proactive government that obviates the need for citizens to perform unnecessary transactional interactions. However, there is still more to do in this area. During the fact-finding mission, some interviewees reflected on a lack of end-to-end transformation in more complicated areas that did not address whole problems being experienced by a citizen.⁶ There is also evidence of more narrow e-government approaches being preferred with a focus on making individual interactions electronic rather than pursuing the digital government ambition of redesigning services end-to-end to benefit from digital practices, technology and data.

Transforming the design and delivery of public services is not just about changing technology, but also about changing culture (OECD, 2021^[18]). In order to move beyond technological interventions, it is crucial that public servants have a baseline of skills for the digital age, such as those reflected in the OECD's digital government user skills (OECD, 2021^[18]). The OECD advocates for providing all public servants with a foundational understanding of the potential offered by technology and data to transform government, including the importance of understanding users and their needs, how to work openly and flexibly and the essential nature of building trust through the use of data and technology. The focus of the Portuguese government on developing the competencies of its public servants can be seen through the Public Administration Digital Competencies Centre (Centro de Competências Digitais da Administração Pública, TicAPP) and the Competence Centre for Planning, Policy and Foresight in Public Administration (Centro de Competências de Planeamento, de Políticas e de Prospetiva da Administração Pública, PlanAPP) (OECD, forthcoming^[19]). These Centres will be essential in building a capability for public service design and delivery that can scale beyond the 25 services identified in the National Recovery and Resilience Plan (Government of Portugal, 2021^[7]).

Involving the citizens and stakeholders on an ongoing basis

The intersection between service design and delivery and civic space is critical, as it surfaces opportunities to engage with citizens and stakeholders and respond to their needs. As discussed in Section 4.2 in Chapter 4, Portugal has recognised the value of participation in the process of developing strategies, policies and services. Indeed, almost half of the proposed measures in the XXII government's transformation strategy came from a participatory approach that used workshops to secure suggestions from across government and society (Government of Portugal, 2020^[6]).⁷ These ideas align with Portugal's strategic vision and the legal provisions set out in Decree-Law No. 135/99, which requires all service providers to pursue administrative modernisation, including through the consideration of feedback from users (Government of Portugal, 1999^[20]). In practice, the SIMPLEX Programme (Section 5.3.2) and the use of participatory budgeting, both in schools and through the Ministry of Health's "healthy neighbourhoods" initiative, serve as examples of these principles. Digital platforms have also been developed to support public contributions, such as ePortugal.gov and ConsultaLex.gov, as discussed in Section 4.2.1 in Chapter 4.

Nevertheless, involving the public in co-designing and co-developing policy and service responses does not necessarily mean acting in line with a course of action specified by external voices without weighing up those inputs and taking a wider perspective to understand the whole problem and the full context of how best to respond to the need. During the fact-finding mission, the OECD heard of one example where senior leaders had directed a team to implement a very specific solution as defined by members of the public even though complementary research had found more effective ways to meet the need. In this situation, the focus was on implementing the requested intervention as proof of listening to the public, not in terms of actually achieving the best outcome in terms of responding to the underlying issue.⁸

In designing and delivering public services, it is essential to involve users in the research and testing of new features and functionality. Prior to 2017, there were efforts to measure satisfaction, but it was uncommon for Portuguese public service teams to conduct in-person exploration. Since its creation in 2017, LabX has led the way in developing a different approach that has popularised the use of experimentation, co-creation and user engagement in the design and testing of services (Agência para a Modernização Administrativa; Centro para a Inovação no Setor Público, 2020^[21]). As a result of these efforts, there are now standardised approaches for ensuring accessibility and usability that set the expectation of testing services with users, particularly those with specific needs.

Despite this positive step to involve users, interviews revealed that challenges remain in establishing an ongoing approach to user research and public engagement for all projects, rather than just those with high profiles.⁹ For example, while the “life events” model (Section 1.2.1 in Chapter 1) is being used to identify cross-cutting issues in 25 priority services, relevant staff do not always have the time or resources to engage citizens and stakeholders and may instead draw on the experience of their colleagues. This falls short of learning from the lived experience of users in an unbiased environment.¹⁰

AMA conducts annual surveys through the Citizen Shops and Citizen Spots. While these provide a valuable snapshot of service performance once a year, they lack real-time insights that could be used to iterate services and improve outcomes for users. There are more reactive models of feedback associated with Portugal’s service delivery channels. For example, surveys are conducted at the end of every call to access services via call centres and visitors to Citizen Shops are invited to evaluate their experience via QR code or SMS. A further example is ePortugal.gov, where every page contains a feedback mechanism in line with a consistent, star-rating design being rolled out across the EU as part of the Single Digital Gateway project (European Union, 2018^[22]). Overall, this is an area where Portugal has feedback mechanisms that inform decision making but there are opportunities for modernising these efforts to reflect the changing needs of the digital age.

5.3.3. Enablers

The OECD Framework for Service Design and Delivery encourages the creation of “Government as a Platform” ecosystems to support the delivery of services through the collation of tools and resources that enable high-quality outcomes at scale and with pace (OECD, 2020^[9]; 2020^[11]). Box 5.2 highlights a selection of the technical tools available within the Portuguese public sector. The most effective Government as a Platform ecosystems recognise that enabling a transformation of public service design and delivery involves more than technical solutions. In applying this lens to the relationship between public service design and delivery and civic space, three areas will be considered: 1) the role of governance and assurance as a mechanism for guiding and enforcing particular habits and behaviours; 2) efforts to increase digital inclusion; and 3) how to achieve an omni-channel approach to services.

Box 5.2. Technical building blocks within Portugal's Government as a Platform ecosystem

- [Autenticação.gov](#) allows any public or private entity to authenticate its users.
- The **Digital Mobile Key** (Chave Móvel Digital, CMD) is a simple and secure means of authenticating citizens via a mobile device.
- The **Professional Attributes Certification System** (Sistema de Certificação de Atributos Profissionais) is a citizenship certificate that can be used in physical or digital form to identify, authenticate and allow citizens to electronically sign documents according to their professional attributes.
- The **Integration Platform** (Plataforma de Integração da AP) allows for web services to be securely integrated between institutions and shared services to be developed across government.
- The **Payments Platform** (Plataforma de Pagamentos da AP) provides a single solution for public services receiving payments.
- The **Messaging Platform** (Gateway de SMS da Administração Pública) provides a mechanism for sending and receiving SMS between public sector institutions and citizens.
- **Electronic Notifications** (Serviço Público de Notificações Eletrónicas) allows citizens to receive online notifications from public entities either through [ePortugal.gov](#) or Android and iOS applications.
- The **Document Bag** (Bolsa de Documentos) is a feature of [ePortugal.gov](#) where citizens can receive and share documents.
- The **Catalogue of Entities and Services** is a directory of public sector institutions, the services they provide, and the associations between entities and services.
- [Dados.gov](#), the Portuguese open government data portal, is built on the open source data platform, originally created by Etalab, the organisation responsible for open government data in the French government.

Source: AMA (n.d._[23]), ePortugal.gov.pt – your public services portal, <https://eportugal.gov.pt/>.

Governance and assurance mechanisms to guide habits and behaviours

AMA and LabX are working to bring transformational change to the way public services are designed and delivered, with a focus on building people's capacity to independently emulate good practices and follow guidance. As the public sector adopts the service design and delivery philosophy outlined earlier in this chapter, it could be helpful for AMA to play a more direct role in establishing the rules that encourage specific habits and behaviours.

As was noted in Portugal's DGI performance, policy levers are not often used to encourage user-driven behaviours in public service delivery teams (OECD, 2020_[21]). To shape how teams respond to user needs, policy levers such as the business case process for securing funding, standards to define quality and assurance activities to monitor implementation against those standards can be used. These processes can also utilise and reinforce civic space by ensuring accessibility and quality via public feedback mechanisms and involving citizens and stakeholders in the oversight and monitoring of services, thereby making government more accountable and transparent.

By implementing these policy levers and embedding these practices into standardised models and methodologies for service design and delivery, countries can create a common understanding of how to

make services more accessible, ethical, equitable and designed to meet user needs. The *OECD Good Practice Principles for Service Design and Delivery in the Digital Age* guide countries in their pursuit of these goals (OECD, 2022^[24]). Adopting common models and methodologies can help to achieve uniformity and consistency, increased inclusion and accessibility, an improved user experience, the re-use of existing components and greater agility in delivery. In Portugal, the Mosaico Common Model for the Design and Development of Digital Services (hereafter “the Common Model”) sets out principles, standards, guidelines, reference architectures and common technologies underpinned by 18 pieces of national legislation and seven pieces of European legislation.¹¹ AMA leads this initiative in collaboration with the Council for Information and Communication Technologies in Public Administration (Conselho de Tecnologias de Informação e Comunicação na Administração Pública). Box 5.3 lists the 11 principles underpinning the model.¹²

Box 5.3. Principles underpinning the Mosaico Common Model for the Design and Development of Digital Services in Portugal

The following principles are the core of the Common Model by establishing 11 statements of purpose and guidelines that public entities must abide by:

1. Understand users and their needs.
2. Create a simple-to-use service.
3. Make sure the service can be used by everyone.
4. Create a secure service that protects users’ privacy.
5. Ask for new information only once.
6. Make the new source code open.
7. Use open standards and common public administration platforms.
8. Work in a team and in a multidisciplinary way.
9. Use agile ways of working.
10. Iterate and improve often.
11. Produce open data that can be valued by society.

Source: AMA (2023^[25]), Mosaico principles, <https://mosaico.gov.pt/principios>.

Several of the principles outlined in the Common Model are relevant to civic space and complement work carried out by AMA and LabX in developing the Guiding Principles (AMA, 2021^[26]). In Section 5.4, these Guiding Principles will form the basis for assessing two case studies. Under the provisions of the National Recovery and Resilience Plan (Government of Portugal, 2021^[7]), the Common Model and the Guiding Principles will be applied to 25 priority services. Those 25 services have the potential to serve as models for other public institutions wishing to apply the same standards, thereby presenting Portugal with a huge opportunity to establish these policy levers as a mechanism for transforming public service design and delivery across the entire public sector.

Efforts to increase digital inclusion

A second enabler for ensuring that public services use digital technology and data to support and encourage access is digital inclusion. As discussed in Section 3.5 in Chapter 3, there is scope to improve the general level of digital skills in Portugal. This also applies to the public sector workforce. Thus, efforts to equip citizens need to be complemented by the work of the digital competency centre, TicAPP, to raise the baseline among the public sector workforce to understand the opportunities and benefits of digital

technologies and data and PlanAPP in considering strategic foresight in relation to service design and delivery (OECD, 2021^[18]; 2017^[27]; forthcoming^[19]).

In addition to digital literacy, accessibility is crucial for ensuring that digital public services are inclusive (Section 3.5.3 in Chapter 3). The EU's Web Accessibility Directive sets a new baseline in the EU to secure better access to public services for people with disabilities, through websites and mobile apps (European Commission, n.d.^[28]; European Union, 2016^[29]). This directive challenges both the public and private sectors to consider how to avoid excluding any groups of users. In Portugal, the National Institute for Rehabilitation (Instituto Nacional para a Reabilitação) has provided important leadership in this area, especially during the COVID-19 pandemic when the Secretary of State requested it to offer guidance for the public sector to raise awareness about accessibility issues related to the provision of digital services.

A further aspect of digital inclusion is access to the Internet. In terms of connectivity, almost the entire country is covered by at least a 4G mobile network. However, despite this high level of coverage, general connectivity for all households falls below the OECD average (Section 3.5.3 in Chapter 3).

Portugal's ambition to develop a genuinely "omni-channel" experience where citizens can be served in person, over the telephone or digitally is commendable but needs a consistent way of consolidating, learning and responding to feedback from different sources. Under the current system, ePortugal.gov uses a different model to the call centres and the Citizen Shops have a third way of doing things.

The current "multi-channel" model in Portugal presents challenges for designing solutions that address whole problems and ensuring easy access to services that operate across institutional boundaries. The development of ePortugal.gov as a centralised platform for accessing services and online resources is an important unifying measure that places emphasis on the citizen. Equally, Citizen Shops and Citizen Spots are an important consolidated approach for in-person services. Whereas some OECD Members have looked to reduce competing sources of information or access to services by focusing on a single brand for online and in-person services, Portugal is maintaining independent web and physical presences for various organisations and sectors. While this approach offers a range of channels for users, it also means they may need to navigate or travel to multiple places, which hinders the user experience. This divergent approach creates a need for greater co-ordination from the centre, poses challenges in solving whole problems and obstructs the ambition for seamless, end-to-end services, because the starting point is one of divergence and autonomy rather than federated collaboration.

The number of different locations and sector-specific approaches included in Box 3.6 in Chapter 3 underscores the need for a more strategic approach to maximise the benefits of the various networks. The "Government as a Platform" ecosystem (Box 5.2) allows for technical integration and organisational interoperability for digital services. A similar collaborative approach could prove beneficial in consolidating other physical service centres. Given Portugal's geography, it is crucial to work with all government entities, including municipal governments, to create an effective network that avoids duplication, takes advantage of economies of scale and scope and ensures equal access to services for all.

5.4. Putting the Guiding Principles for a Human Rights Based Approach into practice

As discussed, Portugal has developed a suite of guiding principles and norms related to public service reforms, influenced and informed by its membership of the EU and the OECD. These include the Common Model (Section 5.3.3), the Guiding Principles (Box 1.2 in Chapter 1) as well as those covering the once-only principle, interoperability and digital identity. The country has gone beyond many governments in creating the Guiding Principles, which prioritise respect for human rights in the design and delivery of public services. The goal is for these principles to become second nature to public servants and serve as the foundation for the way public services are designed and implemented. The drafting of the principles

followed the aggregated experiences of user research on individual services, which highlighted a gap between strategic ambitions for inclusive public service design and delivery, and the practical implementation in the way those services were being experienced by users. To help develop the principles, user research interviews were carried out with 700 citizens and 500 public servants in Citizen Shops around the country.¹³

Examples were shared with the OECD that had been a catalyst for developing the Guiding Principles in emphasising the need for public service teams to think more deliberately about how their behaviours and processes value the users of public services.¹⁴ The first example came from user research conducted with people queuing for service channels many hours before they opened. The research found that three out of four of those waiting in line were migrants to Portugal who struggled with navigating their integration into Portuguese life. The second example was the introduction of a “digital by default” approach to tax services, where staff at tax service centres were instructed not to accept paper forms or provide additional support to the public. User researchers witnessed users being turned away without any assistance despite going to the relevant desk with their forms, receipts and paperwork.¹⁵ Both examples highlighted a failure to address whole problems, to consider the end-to-end experience of the service user and to prioritise a more people-centred approach.

As of undertaking the Review, the Guiding Principles are still a relatively new addition to the governance of public services in Portugal. During the Review process, interviewees did not express a deep knowledge or awareness of the principles (Section 1.4 in Chapter 1).¹⁶ There was, however, a consistent willingness to put the ideas into practice, highlighting the important role of the TicAPP and PlanAPP competency centres in equipping public servants with the skills and principles to support inclusive and continuously improving public policy and services. The work of multidisciplinary teams is crucial for carrying out participatory, co-designed activities that respond to whole problems to transform the end-to-end user experience.

One challenge in successfully implementing the Guiding Principles is understanding how services will be evaluated against these and other tools, such as the Common Model. Currently, there is a methodological gap in assessing the quality of a given service. This Review is a first attempt to understand how the different elements of the Guiding Principles might be assessed and understood retrospectively in the case of the Digital Mobile Key and the Family Benefit for Children and Young People.

5.4.1. Case studies

Digital Mobile Key

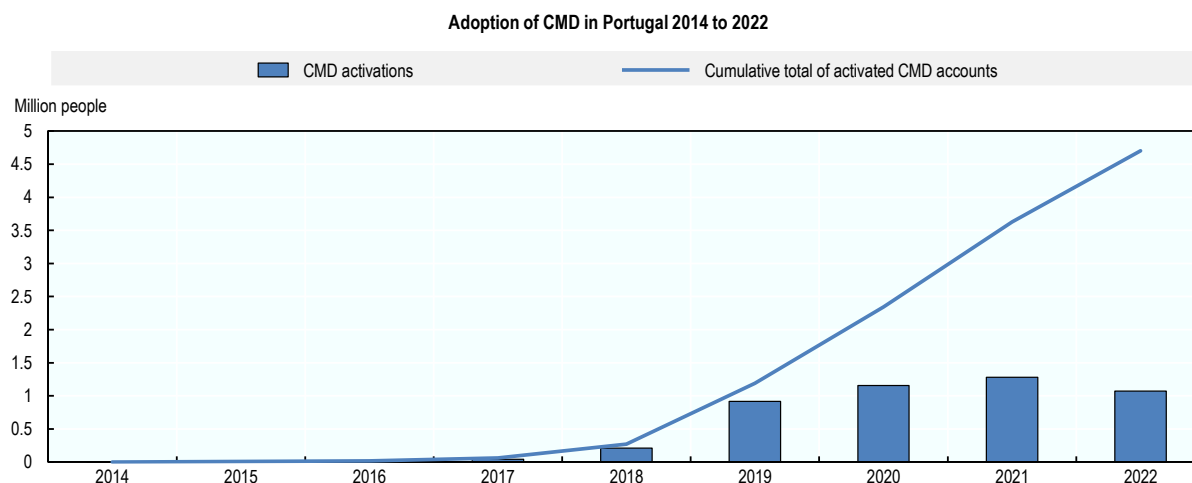
The Digital Mobile Key (Chave Móvel Digital, CMD) is Portugal’s national mobile digital identity solution that allows citizens to access digital services and electronically sign documents using their smartphones, tablets or laptops. The CMD offers a simple and convenient way to access multiple services provided by both the public and private sectors, with all authentication handled through two-factor authentication via SMS or email, providing enhanced security.

Before the introduction of the CMD, authentication was managed by logging in with different credentials for each service provider or using an individual’s Citizen Card with a physical card reader and authentication with their personal PIN (which had been generated when the card was issued), which was inconvenient for most Portuguese people. The CMD replaces the need for a physical card and reader with a personally chosen four-digit PIN paired with a temporary six-digit PIN sent to the user’s mobile device on demand, allowing this portable solution to be used anywhere with a mobile signal at any time. AMA has been responsible for the implementation and co-ordination of the CMD since 2014. It has worked with other national entities to broaden the availability of the CMD as a mechanism for accessing services provided by Social Security, the Ministry of Health and the Ministry of Justice. While these services are also available using the original Citizen Card and card reader approach, the improved usability of the CMD is a clear

advantage and helps to further encourage the use of Portugal's digital identity and trust services by both the public and private sectors.

The CMD design approach emphasises security, privacy and usability, using a simple SMS mechanism to take advantage of the ubiquity of mobile devices in Portuguese society. The CMD team conducts user research and embraces an agile methodology, releasing updates and improvements in two weekly sprints based on user feedback. Adoption of the CMD has accelerated in recent years, growing from around 250 000 activations a year to over 1 million for the last four years, with a cumulative total of 4.8 million active CMD accounts representing approximately 59% of the eligible population in Portugal (Figure 5.1).¹⁷

Figure 5.1. Adoption of the Digital Mobile Key in Portugal, 2014-22



Source: Autenticacao.gov (2022^[30]), Digital Mobile Key statistics, <https://www.autenticacao.gov.pt/web/guest/estatisticas-de-chave-movel-digital>.

The CMD associates a person's mobile phone number with their civil identification number for Portuguese citizens or with their passport number or title/residence card for foreign citizens. There are multiple routes for users to access their CMD. They can activate it in person while renewing or obtaining their Citizen Card, through in-person support at Citizen Shops, Citizen Spots, business spots or registry offices (Box 3.6 in Chapter 3) and, since January 2023, through biometrics using the [autenticacao.gov](https://www.autenticacao.gov) app.

In 2022, 44% of CMD activations were done by pairing it with existing account details for the Portal das Finanças, which deals with tax-related enquiries. To activate the CMD through the Portal das Finanças, users start their journey on [autenticacao.gov](https://www.autenticacao.gov) and enter their unique tax number and associated password. They then confirm the association of their Portal das Finanças account with the CMD and provide their contact details to generate a one-time temporary code. After confirming the temporary code, a physical PIN is printed and dispatched through the post to arrive within five business days. This step is designed as a further layer of security to demonstrate that the person attempting to use the CMD is associated with the address connected to the Portal das Finanças account. Receipt of this PIN code, along with a validation provided by SMS, enables users to fully activate their account and use the CMD. This process is not as quick as other options but the fact that such a high proportion of activations are carried out through this route indicates the importance of connecting digital identity solutions to practical use cases. The need for people to carry out interactions related to taxation is a driver for the first-time use of the CMD, even though there is a delay in being able to use the service compared to alternative options.

Activations through [autenticacao.gov](https://www.autenticacao.gov) are faster but only accounted for 17% of activations in 2022. Part of the reason for this low proportion is that activating CMD through this route requires users to have access to a card reader. If they do so, then they must also download and install a browser plugin and place their

Citizen Card into their card reader before using their PIN to access the information associated with their Citizen Card. They then associate their autenticacao.gov.pt account with a mobile phone number or email address, specify a PIN for their CMD, and agree to the terms and conditions before receiving a two-factor authentication code to activate the CMD and signature.

To address the challenges of speed and usability with these options, the ability to activate the CMD through biometrics and using the autenticacao.gov app was launched in January 2023. The biometric functionality of the CMD leverages a user's facial image as well as their fingerprints to confirm their identity against the data contained within a user's Citizen Card instead of using a PIN to carry out authentication. The biometric functionality being added to the CMD is not new, but reuses biometric data already held by the Portuguese government as part of the established Citizen Card infrastructure. There was an immediate response to this innovation with the number of activations in the first month accounting for 29% of the total.¹⁸

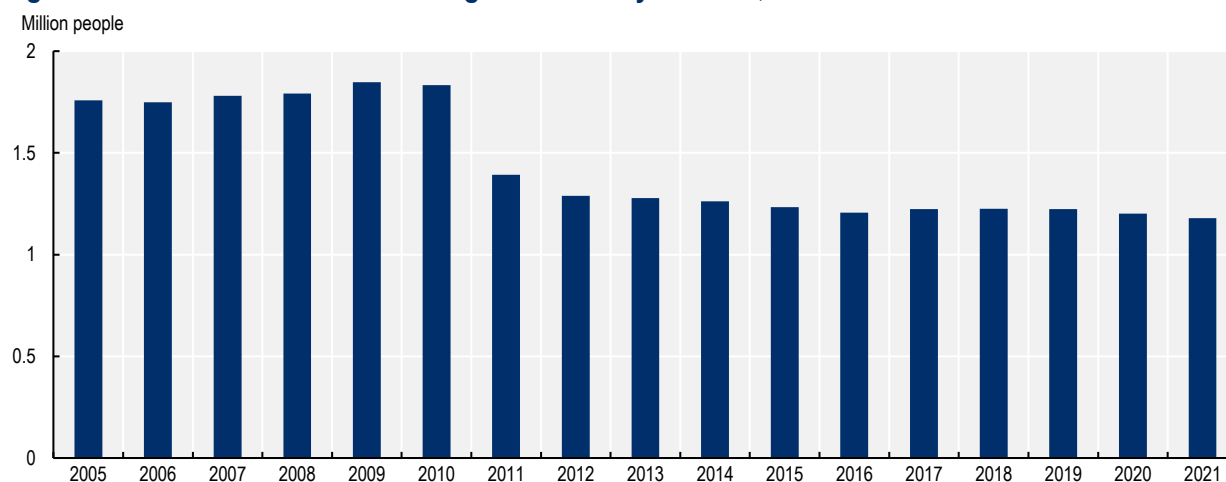
A final option, used by a small proportion of Portuguese users, is the Serviços Públicos app on Vodafone TV. Prompted by a proposal made through the SIMPLEX Programme, this app allows users to access a handful of services, including requesting the CMD, which generates a letter sent to the user's address with the necessary confirmation details.

Family Benefit for Children and Young People

The Family Benefit for Children and Young People (Abono de Família, hereafter “the Family Benefit”) is a monthly allowance paid to help families support and educate their children. It is managed by the Social Security Institute (Segurança Social, SSI). The procedure can be initiated by parents, legal representatives, the person or entity responsible for the child or the young person themselves if over the age of 18. To apply for the benefit, both legal representatives and the child need to have a Social Security number.

Several elements determine eligibility for the Family Benefit. Children and young people are eligible if they live in Portugal and do not work.¹⁹ The allowance can also be claimed by Portuguese nationals living abroad and receiving income from the Portuguese state as well as foreign citizens with the necessary qualifying documentation. In all cases, the household must qualify on two fronts: the total worth of movable assets must be less than EUR 105 314.40, and the family's reference income must be equal to or less than the fourth income bracket level, which was EUR 19 696 in 2022.²⁰ Figure 5.2 shows that after a dramatic reduction in the number of those eligible for family benefits between 2010 and 2011, the figure was 1.17 million in 2021, the lowest figure since 2005.

Figure 5.2. Number of households eligible for family benefits, from 2005 to 2021



Source: SSI (2022^[31]), Statistics, <https://www.seg-social.pt/estatisticas>.

To receive the Family Benefit, eligible claimants must apply for it, either in-person or online. The benefit is not proactively provided based on government-held data about the family's composition and income. As household circumstances can change, it is the responsibility of households to maintain an accurate picture of their eligibility. If they are no longer eligible, they are expected to inform the government, and if they become eligible after a change in circumstances, they need to initiate a claim for this and any other benefits for which they now qualify.

Applying for the benefit requires significant documentation to demonstrate eligibility and complete the application and, once submitted, takes 25 days to be actioned. In-person applications can be made at a service centre operated by the SSI or a Citizen Shop or Citizen Spot offering this service. Online applications are made through the Social Security Direct (Segurança Social Direta) website. Each social security benefit is offered independently and only when requested by a citizen. There is no unified approach that simplifies the experience of applying for social allowances based on data already held by the government.

To apply for the Family Benefit, applicants must provide identification and other documents, including a form for the allowance, a form detailing the change in the household's composition and income and a form to request a re-evaluation of the household's income scale. If the child has a disability, the household can benefit from additional allowances after providing documentary proof and completing additional forms. Foreign citizens must provide valid documentation that proves the right to residency in Portugal. Evidence of educational status for children aged 16-24 is also required.

The digital service to support the Family Benefit can be accessed using the CMD or other credentials managed by the SSI. Applicants provide their Social Security or tax identification numbers to retrieve the associated records from the Portuguese public sector under the once-only principle. The use of these numbers provides a check to establish whether an applicant already receives other allowances. When necessary, applicants supply proof of their legal residence in Portugal and any evidence concerning the receipt or cessation of a family benefit from other institutions. They also need to upload evidence of school registration and any other relevant documentation.

The above process is cumbersome, requiring users to assemble different documentation and complete multiple application forms. Much of the information required by the SSI to validate a claim could potentially be sourced from within the government, thereby reducing the administrative burden on users as well as the time it takes to process the claim. The SSI recognises that there are opportunities to design its services to be more user-centred, and has worked with researchers to understand how to make services easier to use, more accessible and transparent. For example, research into the opportunities for a more proactive process that would automatically respond to changes in household circumstances has looked into completing the application in hospital following the birth of a child or using data provided to the Portuguese Tributary and Customs Authority about household income. However, recommendations have yet to be implemented.²¹

These research efforts do not reflect a broader user-driven culture of co-design and participatory practices. Furthermore, the SSI does not have a structured or real-time approach to obtaining quantitative or qualitative feedback, which limits the extent to which these services can reflect an agile and iterative approach to continuous improvement. Citizens can submit written complaints that districts are expected to address within ten days. However, this process is not designed to make it easy to lodge a complaint, and the complaints themselves are not managed within a centralised system, meaning there is no mechanism for understanding any recurring themes or providing insights into how to improve the system as a whole.

5.4.2. How these services reflect the Guiding Principles for a Human Rights Based Approach

This chapter has so far examined the relationship between digital government, public service design and delivery and civic space in Portugal. The chapter will now focus on the specific experiences of the two case study services described above, in the context of the Guiding Principles (Box 1.2 in Chapter 1).

The nine principles are discussed in three subsections followed by an overview (Table 5.2) and service-specific conclusions (Section 5.4.3). Under Principles 1-4, questions about the design of services and the role of users in relevant processes are discussed. Under Principles 5 and 6, the importance of technical maturity is examined. Under Principles 7-9, the extent to which the two services reflect an inclusive and transparent operational maturity is explored.

Principles 1-4: Shaping the design of a service

The first four Guiding Principles highlight considerations that are important to take into account when designing new services. These principles determine the level of user involvement, recognition of the whole problem and how to manage the opportunities and challenges associated with digital technologies and data.

These ideas are ambitious and require a particular approach to the overall design of a service, which can be challenging to implement retrospectively. It is important to note that the CMD and Family Benefit are established services and may struggle to reflect the ambition of these principles as they were not initially designed with them in mind. This is in contrast to the 25 services identified in the National Recovery and Resilience Plan, which will benefit from a fundamental redesign and present an opportunity to incorporate these principles from the outset.

1. Promote citizens' participation at all stages of the process, particularly from excluded or disadvantaged groups (partially met)

The first principle emphasises the importance of integrating the perspective of users throughout the entire life cycle of a service, from its conception through implementation and ongoing operations and improvement. This principle recognises that the design of a service should involve citizens in various ways, all of which rely on the presence of a protected and vibrant civic space, and can include research, co-creation, and new service piloting and monitoring. Involving the people affected by a policy is critical to ensure that user research captures the actual problem, not based on assumptions, to ensure that inequalities, discriminatory practices or unfair power relations are avoided. This requires targeted outreach to affected communities, including using tools and plain language that are accessible to them. Research indicates that self-selection processes (e.g. general calls for feedback on services) risk being confined to responses from particular demographics (OECD, 2021^[32]). In contrast, reaching excluded or disadvantaged persons who may have good reason to mistrust state institutions requires a concerted effort, creativity and resources, including to identify appropriate methods to engage them and understand their needs.

While the respective teams of CMD and Family Benefit incorporated user input into their design approach, the ambition expressed by this principle to promote participation at all stages and from disadvantaged groups was not central to their initial design or ongoing practice. Neither service assessed the extent of adoption among eligible recipients, leaving both lacking insight into the experiences of potentially excluded groups.

However, despite being established services, there are opportunities to reconsider their operations to promote a more participatory and inclusive model. For example, the Family Benefit service already has an existing structure that could facilitate the participation of vulnerable groups. The SSI works in the community with households through its national network of social workers, providing a real opportunity to

develop approaches that consistently embed user-driven and user-centred understanding of people's needs throughout the service life cycle.

2. Design, first and foremost, for the communities in vulnerable situations (partially met)

The second principle challenges those designing public services to address the most fragile and vulnerable communities before considering other user groups. This involves understanding the circumstances of someone when they express a particular need, and being able to identify the whole problem they face. Further steps need to be taken to ensure that all citizens can access services independently and, if external support is required, it should be designed with accessibility in mind and available at no cost to those in need. This is essential for ensuring inclusive and non-discriminatory access to services (Sections 3.3 and 3.5 in Chapter 3).

The Family Benefit responds to a well-understood and articulated need for vulnerable communities. Its eligibility criteria indicate its purpose of targeting those who need it most. This benefit is provided by the SSI, an organisation created to respond to the needs of households and individuals facing different circumstances with a variety of allowances and support. However, while the policies themselves are strong, their execution raises concerns about how the SSI considers the design of its responses to be inclusive, participatory and people-centred in addressing whole problems on an end-to-end basis.

The SSI provides many allowances, and the complexity of the relationship between their provision and eligibility criteria can be a source of confusion, particularly for those whose native language is not Portuguese. Each SSI allowance is presented as a separate transaction on ePortugal.gov, and while the website attempts to be clear about the requirements for each, there are dependencies and relationships between them that are left up to the user to navigate. For example, expectant mothers can claim a prenatal allowance, but this must be requested at the same time as the Family Benefit, even though the eligibility criteria are the same for both.

A second challenge is that the onus is on individuals to apply for services. Several SSI allowances are intended to support individuals in vulnerable situations, such as following the loss of a pregnancy or due to the disability of a loved one. However, applications for these allowances are not proactively triggered and assessed through the use of data already held by the government or in conjunction with other sources, such as medical records. A pilot study for the Family Benefit explored the possibility of triggering the allowance automatically on the birth of a child. Despite being well received internally, implementing this change poses challenges, including navigating the complexity of existing legislation. Additionally, the scope of the pilot was just one allowance, the Family Benefit. Drawing on this experience, there is an opportunity to redesign and reimagine the user experience for making these allowances more available to those in need.

The Family Benefit and other allowances are available online through Social Security Direct, but users can also access these services in person. This is crucial in terms of ensuring that the family allowance is available to those with capability, accessibility or connectivity needs. The SSI has a network of 450 locations across the country and users may also complete their application at selected Citizen Shops or Citizen Spots. Unfortunately, the way in which this information is presented online means users may struggle to locate their nearest physical location. Although ePortugal.gov contains a browsable list of different “public service bureaus”, the design of the Citizen Map (Box 3.6 in Chapter 3) does not display the same filters or locations. The SSI website is better suited for users wishing to identify their most convenient location, as its version of the Citizen Map offers greater functionality. The dynamic between ePortugal.gov as the focal point for accessing digital services on the one hand and the continued independence of the SSI in maintaining its own website and network of service desks on the other highlights the importance of developing a clear strategy for achieving omni-channel service provision in Portugal.

The CMD has an underlying policy intent that recognises the importance of improving people's lives. Digital identity is increasingly a critical element in the public infrastructure of the modern, 21st century state and, when implemented well, can empower citizens to fully participate in society and the economy. Before the CMD, the adoption of digital identity in Portugal was limited by a reliance on physical cards and card readers. The CMD aims to overcome this by being a more flexible, portable and convenient option and becoming a ubiquitous part of daily life, enabling access to both public and private sector services.

Although people can acquire and activate their CMD through different channels, there are still barriers to access, especially for those in vulnerable circumstances who may not have access to a mobile phone or the necessary documentation. While the design of the CMD as a self-contained solution is helping to achieve greater levels of adoption, it needs to be understood in the context of more general challenges related to authentication. These include the need to recognise cross-border digital identities and empower citizens to control and manage consent about how their data are used and exchanged within the government. Consideration of these wider challenges about the utility and role of digital identity in society requires explicit thinking about how they impact communities in vulnerable situations. Although there is evidence of user-centred design practices in the way in which the CMD operates, there are opportunities to explore genuinely participatory and user-driven models of co-design when it comes to thinking through an omni-channel model for identity that can work for all.

3. Analyse, in a systematic way, the expected and unforeseen consequences of service availability (not met)

The third principle stresses the importance of being analytical in framing, understanding and mapping the impact of public services, both expected and unforeseen. By engaging users in the design process, services can better meet the needs of vulnerable populations, and become more responsive.

However, new policies and services always have consequences, and this principle reminds service teams to continually assess risks, consider alternatives and implement mitigation measures where necessary.

Commitment to protecting and enhancing civic space requires reflection on the impact of new initiatives on society. Consequence scanning is therefore essential as a tool for ensuring teams are aware of how their work affects users. Unfortunately, there was limited evidence that the Family Benefit or CMD teams had established practices, either ad hoc or systematic, for analysing the consequences of their services.

For example, when the SIMPLEX Programme proposed incorporating biometric authentication into the CMD, this was piloted with a group of only 100 users before being rolled out nationally in January 2023. Surprisingly, this development was not accompanied by a broader conversation in society about its consequences, or with the participation of civil society organisations (CSOs) or other users in determining whether this development was appropriate.²² This represented a missed opportunity to conduct a systematic analysis of the consequences and risks of a service or its features, with input from the wider public.

4. Value the process as much as the outcome (not met)

The fourth principle is a crucial aspect of changing the mindset of public service teams in Portugal. While the outcome of a service is important, this principle calls for teams to focus on the process as well. This means that internal aspects of the service should be sustainable and reflect the ideals of being inclusive, accessible and people-centric. Building an internal culture of public service design and delivery that draws on the values of utilising civic space and participatory practices can lead to better outcomes for users and improve the government's internal practice and experience. However, the focus cannot be on obtaining one-way feedback on services. Placing value on the process also necessitates an exchange and dialogue between service providers and citizens, providing responses to inputs, and building trust with users by

showing how inputs are utilised. Building relationships with expert CSOs representing different groups and interests can be a valuable part of the exercise.

Both the CMD and Family Benefit teams are focused on delivering the intended outcomes for their users. However, the process has not been given as much prominence as it could have and there are clear opportunities for improving the user experience and, consequently, the overall outcome. Furthermore, neither service considered opportunities to include the perspectives of expert CSOs to gauge their support, or otherwise for any planned activities. This was particularly evident in the CMD team's focus on the outcome of delivering biometric authentication without considering the relevant sensitivity towards the civic space in terms of the process for carrying out that development.

In the case of the Family Benefit, two areas that have already been discussed are priorities for improving the process. The first is in designing a service that addresses whole problems facing users and exploring whether there are opportunities to consolidate and simplify the allowance landscape. The second is progressing plans to make the availability of these allowances a proactive and seamless user experience.

Both teams were observed as experiencing delays between identifying new ideas and being able to implement potential solutions, despite the valuable benefits such changes could provide.²³ While a cautious approach to understanding the consequences and building consensus is understandable, these delays were not due to the need for building a broader base of support. The slow pace at which relevant teams are iterating and improving their services indicates that contextual factors are limiting their success.

For example, the Family Benefit team has been working iteratively for many years and employing good user research theory to meet with users and go on location to understand their experiences and needs. However, in several cases, acting on the insight generated by these activities requires the need to change existing legal provisions or introduce new ones, the complexity of which has constrained the capacity for achieving transformative change.

It would be valuable to analyse the factors as part of these processes that slow down or impede the implementation of validated ideas. This responsibility could fall to a central co-ordinating actor such as AMA, which can assess and analyse teams' day-to-day practices to understand where greater support might be targeted. By doing so, the teams can overcome contextual barriers in the processes they encounter and deliver the intended outcomes more efficiently.

Principles 5 and 6: Technical maturity

The second group of principles comprises two that reflect on the need for public services to be robust, resilient and well-managed from a technical point of view. These ideas speak to the importance of trust, privacy and ensuring that in the event of a problem, there is an appropriate response.

For Portugal, a country with a strong record of technology in government, it was not surprising – but still encouraging – to see that effective models were in place. This strength reflects the importance of both the Family Benefit and the CMD to the functioning of Portuguese society and demonstrates some of the elements that contribute to the foundational maturity reflected in Portugal's performance in the DGI (Section 5.2) (OECD, 2020^[2]). Portugal's membership of the EU and the influence of directives such as the GDPR underpin this technical maturity (European Union, 2016^[4]).

5. Ensure privacy and citizens' personal data security (met)

The fifth principle is core to designing and delivering public services in the digital age. In recent years, incidents of mishandled data and privacy breaches have damaged trust in the government. To address this, various safeguards and provisions are needed to ensure the trustworthy and secure handling of data throughout the government data value cycle (OECD, 2021^[33]; van Ooijen, Ubaldi and Welby, 2019^[34]; OECD, 2019^[3]). These measures include: minimising the collection of data; ensuring data are only used

for the agreed purpose; providing users with mechanisms to provide and revoke consent; and taking steps to guarantee data quality.

The Family Benefit and the CMD have implemented several measures to ensure privacy and data security in line with the GDPR requirements. The CMD is part of Portugal's digital identity suite of services, which includes a mobile wallet for carrying digital versions of documents of the same legal value as their physical equivalents. CMD users can access functionality that provides them with control over their data, allowing them to provide, or revoke, their consent for who has access to what.

For the Family Benefit, greater interoperability and data sharing among different government actors would simplify the eligibility process and enable a more proactive service. Internally, the SSI is taking steps to manage its data more effectively with the development of a 360° view of each user. This approach aligns with the omni-channel model, and equips support agents to identify a claimant and respond to their needs regardless of whether contact is made by email, phone or in person.

Security and privacy are crucial considerations from a civic space point of view, and CSOs are active in arguing for greater protection for citizens (OECD, 2022^[35]). Protecting personal data supports an enabling environment in which citizens, journalists and civil society actors can gain access to information, express their views, operate freely and thrive without fear of arbitrary or unlawful intrusion or interference in their activities or violations of data protection laws.

While data-driven technologies can enhance public services and identify emerging societal needs, the vast amounts of data collected as well as the potential linking of public datasets also come with risks including data breaches resulting from accidents, the identification of individuals, malicious hacking and unauthorised access or disclosure. Such breaches greatly diminish trust in the digital ecosystem and may affect how citizens and CSOs conduct their online activities and access public services.

It is important to prioritise security and privacy, but there is also a need to reflect on the trade-offs required to unlock the value derived from enhanced access to, and sharing of, data among relevant parties (OECD, 2008^[36]). The CMD could be a powerful tool for managing trusted relationships between different organisations in Portugal and providing an interface for users to approve, and revoke, consent.

6. Consider misuse cases as a serious problem to tackle (met)

The sixth principle is about protecting against issues with any underlying technology and rectifying any misuse that occurs. While the benefits of technology and data are a huge motivating factor in the digital transformation of society, it is important to recognise the challenges that may arise from their use in terms of limiting fundamental citizen rights or harming citizens. The CMD is notable for how its design increases security and prevents fraudulent use or access to services and data by the wrong people.

An essential aspect of this principle is to limit fraud and misuse of services by mitigating security flaws and designing services to withstand fraudulent actors. These considerations need to be present throughout the creation, testing and evaluation of each service and regularly tested with the use of "anti-personas", which simulate the behaviours and motivations of criminals and other malicious actors. The Family Benefit service has placed a high value on security, even at the expense of usability. While the process of providing multiple documents, completing several forms and waiting almost a month for the application to be processed may not be user-friendly, the friction this multi-layered approach to security introduces for the claimant helps to minimise and reduce fraud in the system.

Principles 7-9: Inclusive and transparent operational maturity

The final principles focus on areas that shape the ongoing experience of public services for users. These principles emphasise continuous service improvement, investment in users' capacity and understanding, and transparency in service delivery.

As with the first four principles, the measurement of their success when applied to a given service will depend on the quality of service design. The Guiding Principles form the basis for considering the design of services as an exercise in continuous improvement, starting with baseline measurements and continuing to monitor and assess performance over time to maximise effective and inclusive responses. In this way, the Guiding Principles and the Common Model are important steps towards remedying the lack of any established methodologies for guiding public sector teams in their design and delivery of public services.

Both the Family Benefit and the CMD are designed primarily as transactional interactions between the user and a service, rather than considering the broader context of the user's situation. While the CMD is a valuable tool, it is an enabler of other services and therefore operates at the threshold of every service, which means it is not possible to break the user experience down into a single set of experiences. Similarly, the Family Benefit forms one part of the much larger policy domain of social security provision. As discussed in Section 5.3.2, the Family Benefit is one element in a "life events" understanding of what happens when a dependent joins a household. In both cases, the important reflection is that when an individual needs government support, they are likely experiencing a collection of different challenges, making it important to collaborate with other public institutions and involve a diverse sample of those affected to ensure that services respond to whole problems on an end-to-end basis.

7. Promote a continuous services monitoring and assessment (partially met)

The seventh principle highlights the importance of government services being able to adapt in response to feedback from a variety of monitoring and assessment activities. The agile and iterative approach discussed in Section 2.2.2 in Chapter 2 and applied to the Portuguese context in Section 5.3.2 creates an expectation of establishing mechanisms for obtaining both qualitative and quantitative insights on an ongoing and reliable basis, to learn from, and respond to, rather than carrying out an ad hoc or unstructured analysis. A human rights lens should be applied to this process to challenge public service teams to use performance data to identify possible cases of misuse, discrimination, inaccessibility or other violations that may limit citizens' rights, and respond with corrective measures.

At a foundational level, the CMD exists because the team responsible for digital identity in Portugal identified deficiencies in the earlier model, particularly from an inclusion point of view. Given that it involves highly sensitive public infrastructure, the service is continually monitoring its systems and processes to ensure that they are secure and functional. While ensuring that the technical maturity of the CMD is important, the service also needs continuous monitoring and assessment of its role in society. As discussed under Principle 4, the CMD team tends to focus on technical implementation, rather than considering its wider contribution to designing more inclusive services.

The Family Benefit team is also monitoring and assessing the security and safety of its service, as well as routine service performance indicators, such as the proportion of applications processed within 25 days. However, the OECD's desk research found that the Citizen Map on ePortugal.gov was not displaying accurate information compared to the SSI's own map (discussed under Principle 2) suggesting that monitoring of the Family Benefit is not considered in terms of resolving whole problems on an end-to-end, omni-channel basis. Moreover, interviews during the fact-finding mission found that the relevant team was unable to provide data on the number of households eligible for the Family Benefit but that had not applied for it.²⁴ For a service designed to support the needs of vulnerable communities, one of its priority objectives should be to achieve close to 100% uptake and this data would be essential to understanding accessibility challenges and identifying how they might be addressed.

8. Develop the right-holders' and duty-bearers' capacities (partially met)

The eighth principle emphasises the importance of public service taking a holistic approach to meeting the needs of its users beyond completing a transaction. This involves empowering citizens, as rights-holders, with the necessary knowledge, skills and opportunities to be able to fully participate, without discrimination,

in accessing public services and contributing to their design and delivery. It also means ensuring that public sector institutions have the resources, skills and motivation to provide those services as duty-bearers.

While there is a growing preference for digital services, it is important to address the potential digital divides that may exclude certain right-holders from accessing public services. Portugal's ambition for an omni-channel model of service design and delivery recognises the need for in-person support to accommodate the capacity of all right-holders to access services. For instance, both the CMD and the Family Benefit services offer in-person support to those who may not have confidence in using digital services, which helps to develop their capacities to thrive in the digital age. Moreover, by increasing users' familiarity with the CMD and the Family Benefit, they may be more likely to access and claim other services that can support their daily lives, in both the public and private sectors. Without this support, these users might face difficulties expressing their rights to access such services.

However, beyond the Family Benefit, the SSI could do more to embed this idea into the design of its services more broadly and throughout the service life cycle, and consider the rights of service users. In the context of the Family Benefit, it is essential that access is made available to the necessary information in a way that everyone can understand, particularly vulnerable communities who may struggle with language barriers or the complexity of application forms. An important element in ensuring the capacities of rights-holders is providing access to the information they need to understand their entitlements. In this context, it becomes even more important to design services, such as the award-winning Automatic Social Energy Tariff (Box 5.1), which solve the hardest parts of a problem, such as the initial application, without a citizen needing to negotiate it.

The other part of this principle considers the development of the capacities of duty-bearers. The service teams responsible for the CMD and the Family Benefit belong to two high-profile organisations in Portugal and are therefore well-resourced. Nevertheless, developing the internal capacities of public servants in respect of transformational service design and delivery did not appear as a priority within the service teams themselves. Instead, the Review identified that the Guiding Principles and the Common Model are important foundations for creating a shared understanding and unifying methodology for service design and delivery in Portugal. These tools are enablers for creating a whole-of-government approach, which, as discussed in 5.3.3, forms part of a wider "Government as a Platform" ecosystem. As has been noted, important contributions to the capacities of public servants are being led by the teams at the TicAPP and PlanAPP competency centres in effecting consistent and coherent change in the underlying culture rather than this being seen as a responsibility for service teams themselves.

9. Ensure transparency on obligations, responsibilities and rights regarding services (partially met)

The final principle is an extension of Principle 8 and further emphasises the importance of openly communicating with users to ensure they have a full understanding of everything they need to know about a given service. This places an obligation on public service providers to be clear about related obligations, responsibilities and rights, including information about costs as well as mechanisms for providing feedback, seeking redress and filing complaints.

For the CMD and Family Benefit services, Principle 9 is reflected in Portugal's "Government as a platform" ecosystem of enabling tools and resources (Box 5.2). Although the lack of a clear omni-channel strategy to govern the relationship between different organisational websites impacts the dynamic between ePortugal.gov and the SSI's own web presence, the consistent approach to providing information through ePortugal.gov does create momentum for at least standardising the process of ensuring that users are aware of what they need to know to successfully complete a service interaction. The Catalogue of Entities and Services (Box 5.2) is an important contribution to collating information about public sector organisations, the services they provide and the relationships among them. Such a data set could also

provide the basis for exploring how different organisations can work together to solve similar and related problems that involve multiple actors.

For both services, this principle poses a challenge for future work in effectively communicating any transformational use of digital technology or data to service users. For example, the greater use of biometric data or making services more automated may introduce negative outcomes. Open and transparent communication about the visibility of algorithms and the role of automated decision making or data-handling is crucial for demonstrating this principle, and a human rights-based approach in general.

5.4.3. Service-specific conclusions and recommendations

Table 5.2 shows how the two services have been examined in light of the nine Guiding Principles. In both cases, the CMD and Family Benefit services only failed to meet Principles 3 and 4; partially met Principles 1, 2, 7, 8 and 9; and successfully met Principles 5 and 6.

Table 5.2. Guiding Principles for a Human Rights Based Approach on Public Services scorecard

	Digital Mobile Key	Family Benefit for Children and Young People
1. Promote citizens' participation at all stages of the process, particularly from excluded or disadvantaged groups	Partially met	Partially met
2. Design, first and foremost, for the communities in vulnerable situations	Partially met	Partially met
3. Analyse, in a systematic way, the expected and unforeseen consequences of service availability	Not met	Not met
4. Value the process as much as the outcome	Not met	Not met
5. Ensure privacy and citizens' personal data security	Met	Met
6. Consider misuse cases as a serious problem to tackle	Met	Met
7. Promote a continuous services monitoring and assessment	Partially met	Partially met
8. Develop the right-holders' and duty-bearers' capacities	Partially met	Partially met
9. Ensure transparency on obligations, responsibilities and rights regarding services	Partially met	Partially met

Source: Author's elaboration.

This exercise indicates that the Guiding Principles will be most valuable as a set of ideals for teams to embrace when services are being transformed or to guide the design of new services, rather than as an effective mechanism for analysing the current state of an existing service. This is because the reality of these existing services will fall somewhat short of the ambition contained within the principles.

To ensure that the Guiding Principles can facilitate an inclusive and participatory transformation of public services in Portugal, public servants will need to become deeply familiar with the ideas so that they are applied instinctively. Policy levers such as the guidelines, the Common Model and assurance mechanisms are important components of "Government as a Platform" ecosystems, but there needs to be a more comprehensive approach to developing enabling tools and adequate resources to support multidisciplinary teams in transforming public services.

Overall, the Guiding Principles have the potential to bring significant benefits to Portugal's public services by promoting a human rights-based approach to service design and delivery. However, it will take sustained effort and commitment from public servants and policymakers to fully realise these benefits.

The Digital Mobile Key

The adoption of the CMD is increasing in line with the high ambitions for the service but one in three eligible Portuguese are not making use of it. To ensure the success of the CMD, it is crucial for Portugal to continue

to prioritise digital inclusion and make the service accessible to as many people as possible. Although users were involved in testing the service, user engagement does not appear to have been a priority during the development of the CMD²⁵ and participatory practices as envisioned by the Guiding Principles were not used. They also did not appear to be an ongoing part of the service design process for digital identity and authentication services in general. It is essential to explore continuous opportunities for users to engage in testing, iterating and improving the service throughout its entire life cycle.

While the benefits of an agile approach are understood, delays in releasing new features indicate the presence of internal barriers preventing the CMD service team from releasing changes to the service as quickly as needed. The wider organisational culture would benefit from being encouraged to develop a bias for exploration, experimentation, learning and incremental improvement.

Stakeholders should be engaged on an ongoing basis throughout the design and delivery process to ensure accountability and quality. Unfortunately, the description of how biometric functionality was developed appeared to reflect a deliberate decision to limit awareness rather than to have had an open dialogue about a topic that has proven controversial in other jurisdictions.²⁶

Finally, metrics are needed to improve the availability of insights into the quality and outcomes of the service, in addition to user satisfaction levels. The CMD is an influential service, and adopting an exemplary approach to understanding, and responding to, performance data could inspire ongoing iteration and improvement elsewhere. Individual users and expert CSOs representing marginalised and vulnerable groups have valuable roles to play in providing insights, and civic space should be utilised more effectively to obtain data.

Family Benefit for Children and Young People

The Family Benefit service in Portugal can be improved by engaging more with users, including expert CSOs. The SSI has many opportunities to engage users in discussions about the effectiveness and experience of their services. By doing so, the SSI can gain a better understanding of its users' needs and ensure that they are informed about their rights.

While doing more to engage the public is important, SSI's services would also benefit from an investment in the quality of language and explainability of underlying algorithms. Using simple language and ensuring that algorithms and automated decision making are explained would help users to understand how the Family Benefit is calculated and communicate the parameters of eligibility to a wider audience, thereby strengthening overall transparency of the service.

In addition to proactively looking for ways to utilise civic space more effectively to involve the SSI user base, the Family Benefit service also presents an opportunity to use qualitative user journey mapping and quantitative data analytics to understand how to improve the service on an ongoing basis. By inviting feedback and measuring the use of services, the SSI will gain a better understanding of its users and be able to iterate services accordingly.

Finally, there are great opportunities to use digital technologies and data to transform the Family Benefit. The current application process for the Family Benefit can be cumbersome and places a burden of supplying evidence on users. The SSI should consider using existing knowledge to proactively activate services for all qualifying households. The fact that a more proactive model has been piloted is an extremely positive step and a key recommendation is to accelerate the use of data to achieve an even more proactive and seamless service.

5.5. General conclusions and recommendations

This Review comes at a valuable moment in the evolution of Portugal's commitment to achieving people-centric, inclusive services and embedding a participatory, user-driven approach to societal needs that uses and takes full advantage of its protected civic space. Portugal has made significant strides towards developing a strong foundation in terms of both civic space and leadership at a political and organisational level for embracing people-centred ways of working.

As discussed in Section 1.2 in Chapter 1, Portugal's political leadership has consistently advocated for people-centric transformation of the functioning of the state to address societal needs. This is supported by a record of valuing open government and committing to ambitious OGP action plans that promote transparency and accountability, while also fostering public participation through innovation and technology. The fact-finding mission indicated that there is a diverse and active network of CSOs across the country with a willingness to act as an intermediary between government and vulnerable or potentially excluded groups.²⁷ While there is room to improve the support and level of participation from these organisations, Portugal has several opportunities to build further on existing initiatives.

One of the initiatives that has helped to achieve an inclusive and people-centric mindset is the SIMPLEX Programme. It has helped to simplify daily life for citizens and businesses by reducing administrative burdens and inspiring more creative and transformational uses of digital technologies and data. Additionally, the cross-departmental initiatives spearheaded by AMA in order to modernise public services and encourage co-operation among public sector institutions have contributed to creating this mindset. LabX has also been successful in protecting and enhancing the innovation ecosystem in the Portuguese public sector and promoting the renewal of public services in line with the lived experience and real needs of citizens and businesses.

While these efforts have resulted in some notable successes, there is inconsistency in applying these ideas and methodologies as a default, baseline practice. However, skilled and motivated individuals who understand good service design are making a difference in their organisations. Equally, the ongoing work of the TicAPP and PlanAPP competency centres to build and develop the digital government and strategic foresight capacities of the public sector workforce will continue to increase the appetite and confidence for working in a different way (OECD, forthcoming^[19]). Those efforts will be encouraged and supported by the enabling tools that AMA is developing and curating, such as the Guiding Principles and the Common Model. These set a new benchmark for how teams should consider the needs of users and respond to them in ways that are inclusive, open and participatory from the outset.

There are opportunities for Portugal to build on existing good practices and scale them to become the default model and habitual practice within the public sector as a whole. The National Recovery and Resilience Plan provides the perfect opportunity to focus on the 25 "life event" services and model a different way of operating that puts ambitious ideas and practices for transformational, participatory and iterative public service design and delivery into practice. However, it is important to go beyond the 25 services and recognise the opportunity to embed lasting, people-centred, inclusive cultural change across the entire public sector.

Recommendations for achieving more inclusive, accessible and human rights-based public service design and delivery in Portugal

The following provides a summary of the main recommendations and actions for the Government of Portugal to consider, based on the Civic Space Review of Portugal: Towards People-Centred, Rights-Based Public Services. The government could consider:

1. **Placing people at the front and centre of public service design and delivery.** To further strengthen its ambitious reform processes, Portugal should promote people-centred, rights-based, end-user perspectives in the design, delivery and evaluation of public services that reflect the needs, concerns and behaviours of diverse audiences, particularly those who are vulnerable or under-represented. Service providers are well placed to take advantage of Portugal's healthy civic space environment to ensure that people are actively engaged in shaping public services by collaborating with community leaders, national and local CSOs, and other non-governmental actors to ensure that reform processes are inclusive, participatory, non-discriminatory and responsive to real needs.
2. **Harnessing bottom-up energy for change.** Top-down decision making from the centre of government can use organisational hierarchies to impose reforms and direct behaviours using policy levers. However, true transformation that embeds a more inclusive, accessible and people-centred approach to public services by engaging citizens throughout the public service life cycle will require inspirational champions at every level of the public sector, from senior management to frontline officials. Drawing on existing mechanisms to promote the participation of public servants, frontline officials should be engaged in the discussion, design and assessment of services in a regular way. Identifying leaders and harnessing their passion can be powerful in building momentum and could be facilitated by creating and investing in multidisciplinary practitioner networks to encourage peer communities with common purpose within and between different public institutions. Public recognition of their work could also help to build momentum.
3. **Facilitating inclusion more systematically.** Besides ad hoc consultations on in person services and online platforms, there is no systematic monitoring of who is able to access services, and which groups are excluded and why. Inclusion could be enhanced by: monitoring and evaluating relevant services; utilising civic space to collect feedback from citizens, CSOs and other stakeholders more systematically; and engaging in targeted outreach initiatives to under-represented groups to understand and respond to particular needs via tailored services.
4. **Facilitating civil society collaboration and leadership in public service reform processes.** By identifying relevant organisations with expertise and seeking to partner more proactively and consistently with them, Portuguese service providers can utilise civic space more effectively. The government could consider creating an advisory board composed of private sector, academia and civil society representatives to institutionalise collaboration and provide ongoing inputs in the development of policy levers such as the Guiding Principles, Common Model or other forthcoming initiatives aimed at enhancing public service design and delivery.
5. **Promoting regular participation of stakeholders throughout the public service life cycle.** Portugal has established an impressive stakeholder participation ecosystem through its multi-stakeholder forum in the framework of the OGP, existing consultation platforms (i.e. [ConsultaLex.gov](https://www.consulta.lex.gov.pt) and [Participa.gov](https://www.participa.gov.pt)) and other relevant initiatives (e.g. National Participation Day, participatory budgeting). However, apart from efforts led by LabX, opportunities for Portuguese citizens to participate in the design, implementation and evaluation of public services beyond what is strictly mandated by law (e.g. providing suggestions, feedback and complaints on services) are limited. Learning from the experience of LabX and building on the existing infrastructure for

participation, Portugal could seek to enhance the quality and quantity of opportunities, both online and off line, to engage stakeholders across all stages of the public service life cycle. One way to do so is to measure the adoption of services against their eligibility criteria in order to gain insights into the experiences of potentially excluded groups, and proactively use this information to address barriers and improve engagement at different stages of service design and delivery.

6. **Facilitating cross-institutional cooperation for public service design.** The SIMPLEX programme has been very successful at facilitating co-operation and collaboration across organisational boundaries. This focus on collective endeavour is essential for solving whole problems, avoiding duplication and repeated pain points for users. AMA plays an important convening role and, through the Council for Information and Communication Technologies in Public Administration (Conselho para as Tecnologias de Informação e Comunicação na Administração Pública) and the Interministerial Council for Digitalisation (Conselho Interministerial para a Digitalização), could secure the leadership and mandate to convene multiple institutions to solve problems facing users that would otherwise continue to be treated in a fragmented and siloed way.
7. **Continuation of a strong central mandate and leadership on public service reforms.** Portugal's public sector modernisation has benefited from the support and commitment of senior politicians in advocating for inclusive, accessible and people-centred public services. To sustain this momentum, it is crucial to continue investing in AMA and securing the necessary resources to attract and retain a talented workforce that can effect change across the government. AMA will benefit from being empowered with the mandate and authority to propose cross-cutting changes to public service design and delivery.
8. **Continuing to invest in, and develop, digital government transformation.** The government of Portugal may consider using the Digital Government Policy Framework to inform strategic approaches for the effective design and implementation of digital technology and data. This will help to further enhance the digital government maturity of the public sector.
9. **Seeking clarity about the channel strategy for Portugal.** Portugal has made commendable efforts in complementing digital channels with access to in-person services, particularly to reach marginalised communities and serve the elderly. However, the presence of different web channels and in-person networks managed by multiple organisations could lead to fragmented user journeys. The Citizen Shop and Citizen Spot networks have helped to decentralise operations at the local level, but there is a need to empower municipal governments to tailor service delivery to the needs of the local context and population. The diversity of in-person networks is an opportunity for consolidation and collaboration throughout the country. Although their presence is clearly valued by users and valuable to the government, they currently reinforce organisational silos rather than unlocking economies of scale and scope to address whole problems on an end-to-end basis. The government of Portugal could further articulate a whole-of-government approach building on the existing commitments in its 2nd OGP National Action Plan, which is focused on strengthening service delivery channels to increasingly tailor these to the needs of different population groups. There are positive indications that the adoption of the CMD is leading to organisation-specific credentials being phased out, but the experience of the Family Benefit indicates that maintaining separate organisational structures is more influential than creating a seamless user experience. The current approach to channels means users need to negotiate the structures of government both online and in-person. The 25 "life events" services provide an opportunity to consider the service delivery landscape in the context of demonstrating how to solve whole problems for users, without them needing to navigate between different public institutions.
10. **Developing a consistent narrative and methodology for public service reforms that the entire public sector recognises and endorses.** At a strategic and political level, there has been

consistency in the language used to describe the ambition for public service transformation. However, this is not matched by a consistent narrative and methodology among practitioners, in part because relevant frameworks such as the Guiding Principles are not well known. It is essential that individual initiatives such as the Guiding Principles and the Common Model are brought together into a clearly communicated agenda for change. Furthermore, in order for AMA's vision for the future of public service design and delivery to translate into everyday practice among public sector organisations, it will be essential to disseminate its vision and associated activities more widely. The consultancy model of AMA and LabX in working alongside practitioners in different organisations is one way of achieving knowledge transfer and building capability. The work of the digital competency centre, TicAPP, to raise the baseline of digital capability for all public servants is another opportunity to embed the Guiding Principles and Common Model. As LabX undertakes a process to update the Guiding Principles, engaging relevant public officials together with civil society, academia and citizens throughout relevant consultation will undoubtedly help to raise awareness, support their uptake and ensure their practical relevance.

11. **Using policy levers (e.g. policy tools and resources) to guide behaviour and promote, support and incentivise change in teams leading public service reforms.** Transforming approaches to designing and delivering public services relies on changing how teams operate and behave. AMA now directly reports to the Prime Minister and has the mandate for digital transformation across society, allowing it to offer incentives, set expectations and enforce policies to embed a different way of working. In this new role, AMA may wish to consider whether new policy levers could be introduced and tailored to the Portuguese experience, learning from the way other OECD Members have achieved these outcomes (OECD, 2021^[13]). In some Members, the favoured policy levers focus on controlling access to funding and using business case and reporting mechanisms to shape behaviours and culture. A different approach could be to focus more energy on post-implementation activity, with an active assurance function assessing compliance against norms. A third model could be a softer approach to provide guidance, mentoring and coaching.
12. **Setting ambitious performance targets and facilitating monitoring and watchdog initiatives.** Increasing the frequency and availability of performance reporting in general will be a helpful contribution to enhancing efforts to respond to feedback and continuously improve individual services. Strong reporting metrics and ambitious targets focused on the questions of systemic change and organisational culture will help Portugal to understand the extent to which the narrative and methodology for public service transformation are helping public servants to design and deliver more inclusive, accessible and people-centred public services. Alongside the establishment of these mechanisms, it will be critical to empower and actively facilitate citizens and civil society to operate as independent assessors and watchdogs to keep the government accountable through continuous monitoring and evaluation of government targets. The facilitation of funding, whether from public or private sources, for independent expert think-tanks and CSOs could help in this regard.
13. **Continuing to monitor the protection of civic space and addressing any restrictions.** Ongoing monitoring of the different dimensions of civic space, as identified in this Review and using disaggregated data – including to identify and tackle any emerging negative trends particularly in relation to marginalised groups – will help to ensure the correct conditions are in place for Portugal's ambitious public service reform agenda to achieve maximum impact. A coordinated approach to monitoring from the Centre of Government would enhance this effort across ministries and other public institutions.

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Notes

¹ The SIMPLEX+ Programme won the overall 2019 European Institute of Public Administration’s European Public Sector Award with the same process recognising Citizen Spots (providing supported assistance for citizens to access digital services) and the Automatic Social Energy Tariff (automatically offering affordable energy tariffs to low-income consumers) as deserving of best practice certificates.

² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁵ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

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⁷ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁸ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁰ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹¹ See <https://mosaico.gov.pt/>

¹² See <https://mosaico.gov.pt/>

¹³ Based on interviews with public institutions from 15 November 2021 to 4 May 2022.

¹⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁵ Based on interviews with public institutions from 15 November 2021 to 4 May 2022.

¹⁶ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁷ Data received from the Government of Portugal, March 2023.

¹⁸ Data received from the Government of Portugal, March 2023.

¹⁹ Student jobs during holidays are permitted.

²⁰ Data are from blueprints of the service undertaken for this Country Review.

²¹ Based on interviews with public institutions from 15 November 2021 to 4 May 2022.

²² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

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OECD Public Governance Reviews

Civic Space Review of Portugal

TOWARDS PEOPLE-CENTRED, RIGHTS-BASED PUBLIC SERVICES

The *Civic Space Review of Portugal* provides an in-depth analysis of the national legal frameworks, policies, institutions, and practices relevant to civic space protection, with an emphasis on harnessing user input to facilitate people-centred public service reforms. The Review assesses three key areas: 1) protecting the civic freedoms and information environment that create the conditions for public service reforms; 2) strengthening stakeholder and citizen participation in the process; and 3) moving towards more inclusive, accessible and people-centred public service design and delivery. The two case studies and concrete recommendations in the review offer a tangible path towards more inclusive, participatory public services that place citizens at their core.



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